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ACTS

OF THE

354
No 781 N

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

PASSED AT THE

SESSION OF 1869—'70.

RICHMOND:
JAMES E. GOODE, PRINTER.
1870.

414525

ACTS OF ASSEMBLY.

CHAP. 1.—An ACT to ratify the Joint Resolution of Congress, passed February 27, 1869, proposing an Amendment to the Constitution of the United States.

Approved October 8, 1869.

Whereas, it is provided by the constitution of the United States of America, that congress may, whenever two-thirds of both houses deem it necessary, propose amendments to the same, to be ratified by the legislatures of three-fourths of the several states, or by conventions therein, as the one or the other mode may be proposed by congress. Preamble

And, whereas, by the fortieth congress of the United States, at the third session thereof, begun and held at the city of Washington on Monday, the seventh day of December, eighteen hundred and sixty-eight, it was

“Resolved, by the senate and house of representatives of the United States of America, in congress assembled (two-thirds of both houses concurring), That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the constitution, namely:

“ARTICLE XV.

“SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude. Article XV.

“SECTION 2. The congress shall have power to enforce this article by appropriate legislation.”

Therefore, be it enacted by the general assembly of Virginia, That the aforesaid amendment to the constitution of the United States be and the same is hereby ratified. Ratification

CHAP. 2.—An ACT to ratify the Joint Resolution of Congress, passed June 16, 1866, proposing an Amendment to the Constitution of the United States of America.

Approved October 8, 1869.

Whereas, it is provided by the constitution of the United States of America, that Congress may, whenever two-thirds of both houses deem it necessary, propose amendments to the Preamble

same, to be ratified by the legislatures of three-fourths of the several states, or by conventions therein, as the one or the other mode may be proposed by congress;

And, whereas, by the congress of the United States, on the sixteenth day of June, one thousand eight hundred and sixty-six, the following joint resolution was adopted:

"Be it resolved by the senate and house of representatives of the United States of America in congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the constitution, namely:

"ARTICLE XIV.

14th Amend-
ment
Who are citi-
zens of U. S.

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction, the equal protection of the laws.

Representation;
how appor-
tioned

"SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Who are inca-
pable of holding
office

"SECTION 3. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof; but congress may, by a vote of two-thirds of each house, remove such disability.

Validity of pub-
lic debt

"SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion shall not be questioned; but neither the United States nor any state shall assume or pay any debt

or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, or claims, shall be held illegal and void.

"SECTION 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article." Power to enforce this article

Therefore, be it enacted by the general assembly of Virginia, Ratification
That the aforesaid amendment to the constitution of the United States of America be and the same is hereby ratified.

CHAP. 3.—JOINT RESOLUTION relative to adjournment of the two houses of the General Assembly.

Agreed to October 20, 1869.

Resolved (the senate concurring), That when the two houses adjourn to-day, they adjourn to meet again on the second Tuesday after congress shall approve the action of the people of Virginia in the late election, as provided in the act of congress of April tenth, eighteen hundred and sixty-nine, under which said election was held: and provided further, that if the congress of the United States, in the act or resolution declaring the approval of the action of the people of Virginia as aforesaid, shall appoint a day for the convening of the general assembly, then, with the consent of the senate, the two houses shall adjourn to that day. Adjournment till congress shall ratify the constitution
Proviso

CHAP. 4.—JOINT RESOLUTION concerning the duties of Superintendent of Public Printing.

Approved February 14, 1870.

Resolved by the house of delegates (the senate concurring), That the duties prescribed and required by law for the superintendent of public printing be assumed and performed by the secretary of the commonwealth, until otherwise ordered. Public printing; by whom superintended

CHAP. 5.—An ACT to incorporate the Old Dominion Insurance Company of Richmond.

Approved February 15, 1870.

1. Be it enacted by the general assembly of Virginia, That Benjamin H. Nash, A. S. Buford, John Asher, A. Y. Stokes, Thomas Potts, R. W. Powers, E. B. Addison, Z. W. Pickrell, Thomas A. Brander, Franklin Stearns, James Waggoner, John H. Guy, William B. Isaacs, Charles Skinker, John A. Sloan, Corporators

Name	<p>Andrew L. Ellett, J. B. Moore, James W. Archer, Thomas Branch, Maxwell T. Clarke, and Henry K. Ellyson, and such others as may be associated with them, are hereby created and made a body politic and corporate by the name and style of The Old Dominion Insurance Company of Richmond, and by that name may sue and be sued, plead and be impleaded, in all the courts of law and equity in this state and elsewhere; and have perpetual succession, to have, make, and use a common seal, and the same to break, alter, or renew at their pleasure; to ordain and establish such by-laws, ordinances, and regulations as they may think wise, and generally to do every act and thing necessary to carry into effect this act, or to promote the object or design of this corporation: provided, that such by-laws, ordinances, regulations, or acts, be not inconsistent with the laws of this state or the laws of the United States.</p>
Powers, &c.	<p>2. To make insurance upon dwellings, houses, stores, all other kinds of business in town or country, and upon household furniture, merchandise, and other property against loss or damage by fire; to make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, profits, commissions, bank notes, bottomry, and respondentia interests; and to make all and every insurance connected with marine risks of transportation and navigation.</p>
Deposits	<p>3. To receive money on deposit and grant certificates therefor in accordance with the conditions set forth in sections four and five of chapter fifty-nine of the Code of Virginia; but in no case are such deposits or the certificates therefor to be held liable to make good any policy of insurance issued by this company, or any other contract made by it to borrow money and execute notes for the same.</p>
Investments	<p>4. The funds of this company, however derived, may be invested in, or lent on any stock or real security, or be used in purchasing or discounting bonds, bills, or other paper: provided, however, that the rate of interest shall be the same as is now, or shall hereafter be prescribed by the laws of the state, but the interest in any case may be paid in advance.</p>
Capital stock	<p>5. The capital stock of said company shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each. The said capital stock shall be paid by each subscriber at such time or times, and in such proportion as it may be called for by the president and directors; and if any such subscriber shall fail to pay the same, so called for, upon each and every share so held within twenty days after the same has been so called for, then the amount so called for may be recovered by motion upon ten days' notice, in writing, in any court of record in the city of Richmond, or the place of residence of the holder of the stock, at the option of the said company.</p>
Shares	<p>6. Benjamin H. Nash, A. S. Buford, John Asher, Thomas Potts, R. W. Powers, E. B. Addison, Z. W. Pickrell, Thomas A. Brander, William G. Paine, Franklin Stearns, James Waggoner, John H. Guy, William B. Isaacs, Charles Skinker, John A. Sloan, Andrew L. Ellett, James W. Archer, Thos. Branch,</p>
Subscriptions; how recovered	
Officers	

Maxwell T. Clarke, and H. K. Ellyson, shall be the directors of the said company, of whom the said Benjamin H. Nash shall be president and J. B. Moore shall be secretary; and the said president, secretary, and directors shall continue in office until the first day of February, eighteen hundred and seventy-one, or until their successors are appointed. In case of a vacancy in the office of president, secretary, or directors, from any cause, the remaining directors may elect others to supply their places until a meeting of the stockholders shall be held. The affairs of the said company shall be managed by the president and the board of directors, five of whom shall constitute a quorum.

7. The president and directors shall appoint a secretary, Secretary, &c. such clerks and other officers as they may find necessary and proper to conduct the business of the company, and allow them suitable compensation; all of which officers shall hold their places during the pleasure of the said president and directors.

8. The president and directors shall have power to appoint Agents agents in any part of the state, or elsewhere, and at their discretion may take from them bonds, with security, conditioned for the faithful performance of their duties—such agents being removable at the pleasure of the president, subject to the approval of the board of directors, or by the board of directors.

9. The president and directors shall have power to declare Dividends such dividends of the profits of the company as they may deem proper: provided, that no dividend shall be declared, when, in the opinion of the majority of the board, the capital stock will be impaired thereby. They shall, also, at the end of every year, except that in which the company goes into operation, make a report showing the condition of the com- Report pany in regard to its business for the current year. The first annual meeting of the stockholders of said company shall be Annual meeting on the fifteenth day of February, eighteen hundred and seventy, unless sooner determined on by the stockholders, and thereafter on the first day of February of each year, unless otherwise determined by president and directors; and the president and directors may, at any time, call a general meet- General meet-
ing ing of the stockholders; and any number of stockholders owning not less than one-third of the whole amount of shares, may require the president and secretary to call such meeting; and on their refusal to do so, may, themselves, call such meeting, in each case giving at least fifteen days' notice by publication in one or more newspapers published in the city of Richmond.

10. The members of the company shall not be liable for any Liability of
stockholders loss, damage, or responsibility, other than the property they have in the funds and capital of the company, to the amount of shares held by them respectively, and the amount unpaid thereon, and any profits arising therefrom not divided.

11. All policies of insurance and other contracts made by Policies; how
authenticated said company, signed by the president and countersigned by the secretary, shall be obligatory on the said company, and have the same effect as if attested by a corporate seal.

Not to issue
bank notes ?

12. Nothing in this act shall be so construed as to authorize the said company to issue or put in circulation any note in the nature of a bank note.

Salaries,

13. The board of directors shall allow to the president, secretary, and such other officers as the said board of directors may employ, a just compensation for their services.

President and
directors

14. The number of directors of this company shall be twenty, to be elected annually by the stockholders; and the said directors shall elect one of their number president. But the stockholders in general meeting may reduce the number of directors: provided, the number shall not be less than seven.

Commence-
ment

15. This act shall be in force from its passage, and shall be subject to amendment, modification, or repeal, at the pleasure of the general assembly.

CHAP. 6.—An ACT for the Adjustment of the Public Debt with the State of West Virginia.

Approved February 18, 1870.

Appointment of
three commis-
sioners

1. Be it enacted by the general assembly, That three commissioners, resident citizens of this state, be appointed by the governor to treat with the authorities of West Virginia upon the subject of a proper adjustment of the public debt of the state of Virginia, due or incurred previous to the dismemberment of the state, and of a fair division of the public property: provided, however, that the action of the said commissioners shall be subject to the approval or disapproval of this general assembly.

Pay

2. The said commissioners shall enter upon their duties without delay, and shall receive the same pay and mileage as members of the general assembly while actually engaged in the discharge of them; and they shall, within the next sixty days after their appointment, make a full report of their proceedings to this general assembly.

Report

Commence-
ment

3. This act shall be in force from and after the passage thereof.

CHAP. 7.—JOINT RESOLUTION in regard to a Temporary Guard for the Penitentiary.

Approved February 18, 1870.

Whereas, present urgent necessity exists for an increase of the guard at the state penitentiary,

Temporary
guards
authorized

Resolved, That (with the concurrence of the senate,) the superintendent of the penitentiary be and is hereby authorized to employ such temporary guards, not exceeding twenty, as may be required to secure order and the safety of the prison-

ers until a permanent provision is made by the general assembly: provided, that the approval of the governor shall be first Proviso obtained, and shall be necessary for the continuance of this additional force beyond sixty days.

CHAP. 8.—An ACT to incorporate the Harrisonburg and Rawley Springs Turnpike Company.

Approved February 19, 1870.

1. Be it enacted by the general assembly, That for the purpose of constructing a turnpike road from the town of Harrisonburg, in the county of Rockingham, to Rawley springs, in said county, it shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, to be divided into shares of twenty-five dollars each. The said Commissioners books shall be opened at Harrisonburg under the direction of C. C. Strayer, Jonas A. Lowenback, Thomas Shumate, Hugh Swope, and John Brunk, or any three of them, and at such other place or places, and under the direction of such agents, as any three of the above named commissioners may appoint.

2. When one hundred and sixty shares shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company by the name and style of The Harrisonburg and Rawley Springs Name Turnpike Company, conformably to the provisions of the Code of Virginia, and acts amendatory thereof and supplemental thereto: provided, that the said company shall not be required Proviso to pave or cover their road with stone or gravel, nor to make a summer or side road; that the said road shall be cleared at least thirty feet wide, and constructed at least eighteen feet wide: provided, also, that the subscribers to the stock of said company may, at the election of the shareholder, pay the amount of their subscriptions, or any part thereof, either in money or in labor, work and services, at such rates or prices as may be fixed by the board of directors of said company.

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 9.—An ACT in regard to the Pay of Members and Officers of the General Assembly during the recess.

Approved February 19, 1870.

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrants upon the treasury, upon the certificates of the clerks of the two houses, for the per diem of the members and officers of the general assembly for the recess from Per diem to
members
during recess

the eighth day of October, eighteen hundred and sixty-nine, to the eighteenth day of the same month.

Not to be paid
for last recess

2. And be it further enacted, That the clerks of the two houses of the general assembly aforesaid, are hereby directed not to issue certificates for such per diem during the recess from the twentieth of October, eighteen hundred and sixty-nine, to the eighth day of February, eighteen hundred and seventy.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 10.—An ACT Modifying and Amending the Charter and Changing the Name of the Insurance and Savings Company of Virginia.

Approved February 22, 1870.

Name of
Insurance and
Savings Com-
pany of Vir-
ginia changed
to The Vir-
ginia Home
Insurance Com-
pany

1. Be it enacted by the general assembly of Virginia, That the corporate name of the Insurance and Savings Company of Virginia be and the same is hereby changed as hereinafter mentioned; and that the first section of the act passed February twenty-eighth, Anno Domini, eighteen hundred and sixty-six, entitled an act to incorporate the Insurance and Savings Company of Virginia be amended and re-enacted to read as follows:

“§ 1. That Daniel J. Hartsook, William A. Spence, John Enders, William G. Taylor, J. E. Claggett, George J. Sumner, William B. Isaacs, William G. Paine, John B. Davis, George S. Palmer, A. Y. Stokes, John C. Williams, and others, who may have been, or may be, associated under this act, are hereby continued and constituted and declared to be a body politic and corporate by the name and style of The Virginia Home Insurance Company, and by that name may sue and be sued, plead and be impleaded in all the courts of law and equity in this state and elsewhere. May have perpetual succession; may have, make, and use a common seal, and the same break, alter, or renew at their pleasure; may ordain and establish such by-laws, ordinances, and regulations as they may think wise; and generally may do every act and thing necessary to carry into effect this act, or to promote the object or design of this corporation: provided, that such by-laws, ordinances, regulations, or acts, be not inconsistent with the laws of this state or of the United States.”

Commence-
ment

2. This act shall take effect and be in force on and after the first day of April, in the year eighteen hundred and seventy.

CHAP. 11.—JOINT RESOLUTION declaring the office of H. B. Burnham, now exercising the functions of one of the judges of the Court of Appeals, vacant.

Approved February 22, 1870.

Resolved, That (the senate concurring) the office of H. B. Burnham, now exercising the functions of one of the judges of the court of appeals, be and the same is hereby declared vacant.

Declaring the office of H. B. Burnham vacant

CHAP. 12.—An ACT extending the Charter of the Franklin Society and Library Company of Lexington.

Approved February 22, 1870.

1. Be it enacted by the general assembly, That the first section of the act passed Anno Domini, eighteen hundred and sixteen, entitled an act incorporating the Franklin Society and Library Company of Lexington, in the county of Rockbridge, be amended and re-enacted so as to read henceforth as follows:

Charter of The Franklin Society and Library Company of Lexington amended

“§ 1. That John W. Fuller, Jacob M. Ruff, Jacob Fuller, Samuel F. Jordan, William G. White, George A. Baker, John W. Barclay, James B. Dorman, Edward Echols, Alexander M. Glasgow, Edward L. Graham, William McLaughlin, James Compton, John G. Pole, James W. Massie, Henry G. Davidson, John T. L. Preston, John F. Burkhardt, Tilford B. Heck, Samuel J. Campbell, Joseph G. Steel, James J. White, John L. Campbell, Alexander L. Nelson, Archibald Alexander, William H. Ruffner, Charles A. Davidson, Alexander T. Barclay, Solomon C. Craft, William A. Rhodes, James M. McClung, John B. Lady, Glentworth G. Davison, Preston A. Davidson, William W. Lewis, Thomas B. Taylor, William Davidson, Jr., William Dold, John C. Bonde, James K. Edmondson, S. Houston Letcher, Eli S. Tutwiler, M. A. Chambers, James T. Patton, and James T. McCrum, now associated as a corporation under the name of The Franklin Society and Library Company of Lexington, in the county of Rockbridge, for the purposes of literary improvement and the establishment of a library, and such persons as are now or may hereafter be associated with them, are continued and constituted a body politic and corporate by the said name of The Franklin Society and Library Company of Lexington, and by that name shall have perpetual succession and a common seal; may contract and be contracted with; sue and be sued; may acquire, receive, hold, possess, and enjoy, and may manage, rent, sell, grant, convey, invest, convert, or otherwise dispose of, for the purposes before mentioned, all lands, tenements, goods, moneys, and chattels of any kind, which have been or may be given to or otherwise acquired by the said society. The said society may adopt such by-laws, rules, and regulations for the transfer of shares and admission of members, and for the conduct and government of the said society as may be deemed necessary, not contrary to the laws and constitution of this state and of the

United States. No person shall be regarded as a member, or have any interest in the property or its control, until he shall be admitted a member in the mode prescribed by the regulations. The said society may levy such contributions, and exact such fines and penalties for delinquencies or the neglect of duty, as may seem proper. Persons not members of the corporation may be admitted to the benefits of the institution upon such terms, and with such privileges, as may be prescribed in the regulations."

2. The second section of said act shall be amended and re-enacted so as to read as follows:

§ 2. The said society shall meet annually in Lexington, on the seventeenth day of January, or on such other day as they may, from time to time, appoint; of which meeting two weeks' previous notice shall be given by advertisement; and the said society shall elect by ballot, from the members constituting the same, a president and four directors, whose authority shall continue for one year, and until another president and directors are appointed in their stead. Ten members, or such other number as may be prescribed by the regulations, shall constitute a quorum, but it shall require a majority of all the members of the society to constitute a quorum to authorize a sale of the real estate or library, and also a majority of the members to authorize such sale; but no such sale shall be made, except for purposes of reinvestment of the proceeds of sale, prior to a dissolution of the corporation."

3. The third section of said act shall be amended and re-enacted so as to read as follows:

§ 3. The president and directors, or a majority of them, shall appoint, out of the society, a librarian, treasurer, and other officers, and fix their salaries, and take from them bonds in such penalties as they may prescribe, for the faithful discharge of their duties; shall have power to make such by-laws, rules, and regulations (not contrary to the laws and constitution of this state and the United States), as they may think necessary and proper for the conduct and government of the said society, subject, however, to the revision and amendment of the society at their annual meetings, or at any extra meeting which may be convened at any time, upon the request of any ten members of the society, in such manner as shall be prescribed by their by-laws. At any extra meeting of the society, the president or any director may be removed from office, a majority of all the members of the society concurring therein, and any vacancy in the office of president or director may be supplied by a majority of the members present."

4. The fourth section of said act shall be amended and re-enacted so as to read as follows:

§ 4. This act shall be in force from and after its acceptance by a majority of all the members of said society entered of record in general meeting assembled, and shall continue in force until all the members of the said society shall, in general meeting assembled, enter of record their consent to the dissolution of the society."

CHAP. 13.—An ACT to re-enact and amend Section Seven of Chapter Eighteen of the Code of Virginia.

Approved February 26, 1870.

1. Be it enacted by the general assembly, That section seven of chapter eighteen of the Code of Virginia, be re-enacted and amended so as to read as follows: Code of Va., chap. 18, § 7, amended

“§ 7. Each of the said officers shall submit his bond to the attorney-general for his examination, and in case of his inability to act, by reason of sickness or otherwise, to such person learned in the law as the governor may select; and if, after examination, such bond is found to be in proper form, and legally executed, the attorney-general or the person so selected by the governor, shall make an endorsement on it to that effect.”

2. This act shall be in force from its passage.

Commencement

CHAP. 14.—An ACT to provide for filling a vacancy in the office of Lieutenant-Governor or Attorney-General.

Approved February 26, 1870.

1. Be it enacted by the general assembly, That when a vacancy shall occur in the office of lieutenant-governor or attorney-general during the recess of the general assembly, the governor shall fill such vacancy by appointment, to expire at the end of thirty days after the reassembling of the general assembly. When vacancy in office of lieutenant-governor, filled by governor

2. The general assembly shall, within thirty days after so reassembling, next after such vacancy shall occur, or when such vacancy shall occur during the session of the general assembly, within thirty days from the time it does occur, by joint vote of the two houses thereof, fill said vacancy for the unexpired term. When by general assembly

3. This act shall be in force from its passage, and all acts or parts of acts inconsistent with this act, are hereby repealed. Commencement

CHAP. 15.—An ACT to provide for the Appointment and Qualification of a Superintendent of Public Instruction.

Approved February 28, 1870.

1. Be it enacted by the general assembly, That there shall be elected by the general assembly, in joint ballot, every four years, a superintendent of public instruction, who shall have the general supervision of the public free school interests of the state, and, in addition to the duties prescribed in the constitution, shall perform such other duties as may be hereafter prescribed by law. Superintendent of public instruction; how elected

- His bond** 2. He shall give bond, to be approved by the governor, in the penalty of twenty thousand dollars, which bond shall be transmitted to and filed in the office of the auditor of public accounts.
- Salary, &c.** 3. He shall receive for the first year of his service the sum of two thousand dollars, and thereafter such annual salary as may be determined by law, payable out of the treasury in quarterly instalments, and his necessary travelling expenses incurred in the performance of his duties, not exceeding two hundred and fifty dollars in any one year.
- Commence-
ment** 4. This act shall be in force from its passage.

CHAP. 16.—An ACT to incorporate the Luray Valley Railroad Company.

Approved March 3, 1870.

- Luray Valley
R. R. Co.** 1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Luray Valley Railroad Company, for the purpose of constructing a railroad from such point in the dividing line between Frederick or Clarke county in Virginia, and Berkeley or Jefferson county in West Virginia, as may be the terminus to which a railroad from the Potomac river through either Berkeley or Jefferson county shall hereafter be made or located, (being a contemplated extension of the line of the Cumberland Valley railroad in Pennsylvania,) to or through either the town of Winchester in Frederick, or the town of Berryville in Clarke county, as may be elected by the company, thence to the mouth of Page Valley, at or near Front Royal, and thence to or near Luray, and thence to or near Salem in Roanoke county, on the Virginia and Tennessee railroad, on the west of the Blue Ridge, or such intermediate point in the line of the Valley railroads, as may be chosen by said company, with a branch from some suitable point on said road to Harrisonburg in Rockingham county; also, a branch from some suitable point on said road via Stanardsville in Greene county, to Gordonsville in the county of Orange; also, a branch from some suitable point on said road to the town of Lexington in the county of Rockbridge.
- Location**
- Branches**
- Commissioners** 2. Be it further enacted, That the following persons are appointed commissioners to receive such subscriptions, namely: William L. Clark, Robert Y. Conrad, Charles L. Crum, John F. Wall, and William R. Denny, to open books and receive subscriptions at Winchester; S. J. C. Moore, William N. Nelson, John J. Riely, Angus W. McDonald, Sr., and Champ Shepherd, to open books and receive subscriptions at Berryville; James R. Richards, Thomas N. Ashby, Isaac N. King, Marcus Buck, and Charles White, to open books and receive subscriptions at the town of Front Royal; Peter B. Borst, George W. Rust, Thomas M. Almond, Reuben P. Bell, and Isaac Long, to open books and receive subscriptions at the

town of Luray; Archibald Graham, John J. Lafferty, Francis T. Anderson, Alexander M. Glasgow, and Marshall McDonald, to open books and receive subscriptions at Lexington; D. F. Haynes, George W. Kemper, Henry Harnsberger, Joseph D. Craig, and Robert S. Harnsberger, to open books and receive subscriptions at Port Republic in Rockingham county; John J. Bell, Robert G. Bickle, William J. Nelson, William Chapman, and Absalom Koiner, to open books and receive subscriptions at Staunton. A majority of the commissioners appointed at each place respectively, may act as if alone named. The commissioners (or a majority of them) appointed for Winchester, or Berryville, are further authorized, either in person or by an agent or agents by them appointed, to open books and receive subscriptions, to be made by individuals or corporations, at any place or places out of this state; and subscriptions to said capital stock, by any other railroad companies domiciled either without or within this state, are hereby allowed to be made and received in the discretion of said Winchester or Berryville commissioners.

3. Be it further enacted, That the capital stock of said company shall not be less than one hundred thousand dollars, nor more than five millions of dollars, to be divided into shares of one hundred dollars each. Whenever the said first mentioned amount shall be subscribed, the subscribers shall be incorporated by the name, and for the purpose mentioned in the first section of this act, and have full power and authority to effect the same, subject to the provisions of the Code of Virginia, and any general law which may hereafter be passed, applicable to such corporations: provided, that in order to secure the rights and franchises contained in this charter, such organization shall be perfected, and the construction of the road commenced, within five years from the passage of this act.

4. The said company may, by demising its road-works, subscriptions or property, or any other form of contract, procure or permit the construction, transportation, and business of its road, or any part of the same, or either, to be done by any other railroad company, and upon such terms in regard to risks, expenses, benefits, and other particulars as may be agreed upon between the companies, or the company may hire rolling stock from any other railroad company.

5. The company hereby incorporated shall have the right to make convenient connections with any other road or roads at Winchester, Berryville, and at their southern terminus.

6. When the company shall have completed and equipped their said road from the line of West Virginia to any other of the above-named points in this state, they are hereby authorized to work the same as if entirely finished.

7. This act shall take effect from and after the passage thereof.

CHAP. 17.—An ACT authorizing the Richmond and Petersburg Railroad Company to borrow money.

Approved March 5, 1870.

Richmond and Petersburg R. R. Co. authorized to borrow money	1. Be it enacted by the general assembly, That the Richmond and Petersburg Railroad Company be and are hereby authorized to borrow, from time to time, such sums as the exigencies of the company may require, by disposing of the bonds of the company to an amount not exceeding in the aggregate the sum of one hundred and seventy-five thousand dollars, on
Amount	such terms and at such rate of interest, not exceeding that permitted by the constitution of Virginia, to individuals, as may be fixed by the president and directors of the company; and for the purpose of securing the payment of both principal and interest, to execute for and in the name of said company
Rate of interest	a deed of trust or mortgage on all the works and property of said company, with such provisions as the said president and directors in their discretion may deem judicious.
Mortgage	2. This act shall be in force from its passage.
Commencement	

CHAP. 18.—An ACT to enable officers now holding offices in Virginia by military appointment, or otherwise, to hold over until their successors are elected or appointed and have duly qualified; to ratify and confirm the official acts of all such officers, and to provide for filling vacancies in the offices of justices and constables.

Approved March 5, 1870.

Preamble	Whereas, grave doubts have arisen as to the right of the civil officers of this commonwealth, the governor, attorney-general, lieutenant-governor, and members of the general assembly excepted, to continue to hold their offices, and to exercise the powers, perform the duties, and enjoy the privileges and emoluments appertaining to the same, and as to the legality of their acts as such officers since the admission of the state as one of the co-equal states of the American Union; and whereas the failure to recognize the official acts of such officers as legal, and their removal from office at this time would cause great confusion and embarrassment throughout the state; therefore,
What officers are recognized as legal	1. Be it enacted by the general assembly of Virginia, That all such officers who are eligible to office under the existing constitution and laws of Virginia, and who qualified on or before the twenty-sixth day of January, one thousand eight hundred and seventy, and none others, be and they are hereby recognized as legal officers of this commonwealth, and authorized to continue to hold their said offices and to exercise the rights and powers, perform the duties and enjoy the privileges and emoluments appertaining to the same as far as they may lawfully do so under the present constitution and laws of this state, and until their successors are appointed or elected, and

have duly qualified: provided, that all officers of whom bonds are now required by law for the proper discharge of their respective duties, shall give or renew their bonds, with good security, in the penalty now provided by law, within thirty days after the passage of this act; and provided, if no term of the court before which any officer is required to give bond occurs before the expiration of said period of thirty days, then said bond shall be given at the next term of the court thereafter; and provided further, that in any county where the next term of the county court, after the passage of this act, shall occur within ten days thereafter, in that case the said officers shall be allowed until the second term of said court to give the bonds herein mentioned; and provided further, that where such bond is required to be given before the circuit court, it may be given before any judge of a circuit court in vacation; and provided further, that no constable, sheriff, sergeant, or collector of taxes or levies, shall collect any money by virtue of their said offices until such bonds are given or renewed as aforesaid. If any of the officers mentioned in this section shall fail to give the requisite bond within the periods herein fixed, their said offices shall thereupon become vacant.

Bonds to be renewed; when and before whom

No collections to be made till bond given

2. All official acts heretofore done by any such officers, and otherwise lawful, are hereby declared as legal and binding as if they had been done by officers duly elected and qualified under the constitution of this state: provided, that any judgment, decree, or order rendered or made by the court of appeals at the term thereof commencing on the eleventh day of January, eighteen hundred and seventy, shall be subject to the supervision and control of the supreme court of appeals to be organized under the constitution, upon the motion or petition of any party to the cause for a rehearing; and such judgment, decree, or order may be set aside and annulled or affirmed, as to said supreme court may seem right and proper; but twenty days' notice of the time of making said motion or filing said petition shall be given to the opposite party; and provided further, that said motion shall be made or petition filed within six months from and after the organization of the said supreme court of appeals.

All official acts declared legal

Rehearing of certain judgments, &c., of court of appeals

3. Be it further enacted, That all vacancies in the office of justice of the peace and constable, now existing, or which may hereafter occur before an election for such officers shall be held under this constitution, may, and the same shall be, filled by appointment of the governor of this commonwealth, and said justices and constables so appointed shall, when they have qualified according to law, exercise all the rights and powers, perform the duties and enjoy the privileges and emoluments at present appertaining to their respective offices, until their successors have been duly appointed or elected, and have qualified according to law.

How vacancies in office of justice and constable filled

4. The offices of circuit and county clerks shall be vacant at the first term of their respective courts hereafter held by judges elected under the present constitution; and each one of such judges shall, at the said first term of his court, appoint a clerk for his said court, to continue in office until his succe-

Clerks of courts

sor shall be regularly elected and qualified. In any county where the clerk of the county court shall be also clerk of the circuit court, then the judge of the county court of said county shall, as aforesaid, appoint the clerk for the said courts.

Attorneys for
commonwealth,
and sheriffs

The offices of attorneys for the commonwealth and of sheriffs shall be vacant at the first term of the county courts hereafter held by judges elected under the present constitution in their respective counties; and such last named judges shall, at the said first term of their respective courts, appoint attorneys for the commonwealth and sheriffs for their respective counties, to continue in office until their successors shall be regularly elected and qualified under the present constitution.

Within what
time bonds to
be given

The sheriffs and clerks appointed under this section of the act, shall not enter upon the discharge of their respective duties until they shall have given bonds according to law; and if any of the officers mentioned in this section shall fail to give the requisite bond within thirty days after his appointment, his said office shall thereupon become vacant, and shall be filled at the same or next term of the court during or after which such vacancy may occur—the officer so substituted, to be subject in all other respects to the provisions of this section; and if such substituted officer shall, in his turn, fail to give the prescribed bond in the prescribed time, then his office shall become vacant, and be filled in like manner as last aforesaid—such newly appointed officer being in all other respects subject to the provisions of this section.

Governor may
appoint council-
men and trust-
ees

5. That for the more efficient government of the cities and towns of the commonwealth, the governor of this state shall, as soon as practicable, appoint for each city and town as many councilmen or trustees for each city and town now entitled to trustees or councilmen, as are now provided by law.

Continuance of
present council,
&c.; how long

6. The councilmen and trustees now exercising the functions of such offices, may continue in such offices till the councilmen and trustees appointed as provided in the foregoing section shall qualify, and no longer, and shall fill vacancies in their respective bodies occurring during their continuance in office.

Appointments
by new council-
men and trust-
ees

7. In all cities and towns, the councilmen or trustees appointed by the governor as hereinbefore prescribed, shall have authority, and are hereby required to appoint all municipal officers, except judges and officers of the courts hereinafter provided for, in their respective cities and towns, who shall have all the powers and discharge all the duties now conferred and required by law upon such municipal officers.

Present officers;
how long to
continue

8. All persons now exercising the functions of the aforesaid municipal offices, may continue in such offices till their successors are appointed and qualified, as herein provided, and no longer.

New appoint-
tees; their con-
tinuance

9. The officers appointed in pursuance of this act, shall continue in office until their successors elected under the constitution of this state are duly qualified.

Oath of office

10. Every person appointed as herein prescribed, shall take the oaths of office required by law, shall give bond in such

penalty and with such security as existing laws may provide for officers holding like offices, and shall receive such compensation as existing laws may provide in like cases.

11. The judges of the corporation and circuit courts and courts of probate hereafter elected for the said towns and cities of the commonwealth, shall appoint the officers of their respective courts, to continue in office until their successors are elected and qualified as provided by law. The sheriffs, clerks, and other officers required to give bond, appointed under this section, shall not enter upon the discharge of their respective duties until they shall have given bond according to law, and in case of the failure of any such officer to give such bond within twenty days after his appointment, the said appointment shall be vacated, and the aforesaid court shall proceed to appoint his successor, with like powers and subject to like limitations as herein provided.

Officers of courts in towns

Bond to be given

12. This act shall not be construed so as to deprive the general assembly of the right to remove any and all officers at present holding offices in this state, or who may be hereafter appointed under the provisions of this act, or to adopt such other measures for filling vacancies in offices which now exist, or may hereafter occur, as to it may seem right and proper.

Powers of general assembly

13. This act shall be in force from its passage.

Commencement

CHAP. 19.—An ACT in relation to the Interest on Money.

Approved March 15, 1870.

Whereas, the constitution provides that upon debts hereafter contracted it shall be lawful to receive any rate of interest not exceeding twelve per centum per annum, which may be agreed upon by the parties and be specified in the bond, note, or other writing evidencing the debt; therefore,

1. Be it enacted by the general assembly, That section four, chapter one hundred and forty-one, of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read henceforth as follows:

Code of Va., chap. 141, § 4, amended

“§ 4. Legal interest shall continue to be at the rate of six dollars upon one hundred dollars for a year, and proportionably for a greater or less sum, or for a longer or shorter time; but it shall be lawful to receive any rate of interest, not exceeding twelve per centum per annum, which may be agreed upon by the original parties thereto, and be specified in the bond, note, or other writing evidencing the debt; and all such contracts entered into since the present constitution took effect, are hereby legalized.”

Six per cent. allowed, except where rate not greater than twelve per cent. is specified in writing

2. Section thirty-three, chapter fifty-eight of the Code, is amended and re-enacted so as to read as follows:

Code of Va., chap. 58, § 33, amended

“§ 33. Any bank authorized to carry on business as a bank of circulation, deposit, and discount, may loan money for a period not exceeding six months, and discount any bill of exchange, promissory note, or other negotiable paper for the

Rate of discount one per cent. for thirty days	payment of money, which will be payable within six months from the time of discounting the same. A bank may take interest on its loans or discounts, at the rate of one per centum for thirty days, and the interest may be received in advance. Each bank shall so regulate its loans and discounts, that they shall not exceed twice the amount of the capital actually paid in."
Limitation of loans	
Code, chap 59, § 6, amended	3. Section six, chapter fifty-nine of the Code, is amended and re-enacted so as to read as follows:
How funds of company may be invested	"§ 6. The money received on deposit, and other funds of the institution, society, or bank, may be invested in or loaned in any stocks or real security, or be used in purchasing or discounting bonds, bills, notes, or other paper, subject to the following restrictions: that no security for money or other valuable thing which may have become payable, other than certificates of debts of this state, or of the United States, or of corporations, shall be purchased for less than the full amount thereof, with all the interest that may be due thereon, and no debt or claim to become due, other than such certificates, shall be purchased or discounted at a rate of discount or interest exceeding the rate of one per centum for thirty days. But the interest may in any case be received in advance."
One per cent. for thirty days	4. Any licensed banker or broker, and any corporation authorized by law to make loans or to purchase or discount bonds, bills, notes, or other paper, may loan money, or discount any bill of exchange, promissory note, or other negotiable paper, at a rate of interest not exceeding one per centum for thirty days, and may receive such interest in advance.
	5. Section eleven of chapter one hundred and forty-one of the Code of eighteen hundred and sixty is hereby repealed.
Commence- ment	6. This act shall be in full force from and after its passage.

CHAP. 20.—An ACT Prescribing the Oath of Office.

Approved March 15, 1870.

	1. Be it enacted by the general assembly, That all persons, before entering upon the discharge of any function as officers of this state, shall take and subscribe the following oath or affirmation:
Oath of office	"I, _____, do declare myself a citizen of the commonwealth of Virginia, and do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States and the constitution and laws of the state of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of _____ to the best of my ability. So help me God. Provided that all such officers elected or appointed to office within twelve months from the passage of this act, shall take, subscribe, and file in the office of the secretary of the commonwealth an oath in the form following:
Proviso	

"I, ———, do solemnly swear or affirm that I have never taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, and afterwards engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. So help me God. Or in lieu of the last oath, the following shall be taken :

Fourteenth amendment oath

"I, ———, do solemnly swear or affirm that I have, by act of congress of the United States, been relieved from the disabilities imposed upon me by the fourteenth amendment of the constitution of the United States. So help me God."

Oath where disabilities have been removed

2. Sections one, two, and three of chapter thirteen, Code of Virginia (1860), are hereby repealed.

Code of Va., chap. 13, § 1, 2, 3, repealed Commencement

3. This act shall be in force from its passage.

CHAP. 21.—An ACT to incorporate the Virginia International Land, Loan, and Trust Company.

• Approved March 23, 1870.

Whereas, James McKaye, Walter S. Gurnee, Cyrus H. McCormick, Horace Greeley, Christian Von Hesse, John P. Crosby, Thomas S. Flournoy, Robert H. Maury, John D. Imboden, and others, their associates, have associated themselves as a body corporate in accordance with the laws of the state of New York, under the name and style of The Virginia International Land Company, for the purpose of purchasing land in the state of Virginia, settling the same, and planting thereon the grape-vine and making wine, and also sowing and cultivating the beet and manufacturing sugar therefrom, and desiring to enlarge the scope of their operations, and to aid in the movement of immigration and the introduction of capital into Virginia, and in the development of its agricultural and other interests;

Preamble

1. Therefore, be it enacted by the general assembly of Virginia, That James McKaye, Walter S. Gurnee, Cyrus H. McCormick, Horace Greeley, Christian Von Hesse, John P. Crosby, Thomas S. Flournoy, Robert H. Maury, John D. Imboden, William Lamb, and such other persons as they may associate with them, be and they are hereby declared a body politic and corporate, by the name and style of The Virginia International Land, Loan, and Trust Company, and as such shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make ordinances, by-laws and regulations not inconsistent with the provisions of this act or other laws of this state or of the United States, for the government of its officers and agents and the proper conduct of its affairs.

Virginia International Land, Loan and Trust Company incorporated

Corporate powers

2. The capital stock of the company shall be one million of Capital stock

Shares	dollars, and may be increased at any time and from time to time by the shareholders, at any regular meeting or at a meeting called for that purpose, by a vote of the owners and holders of a majority of the shares, either in person or by proxy, to a sum not exceeding ten millions of dollars, to be divided into shares of one hundred dollars each, to be subscribed for or otherwise acquired under the direction of the persons hereinbefore named, or of such agent or agents as they or the company hereby incorporated may hereafter appoint, and at such place or places, and upon such public or other notice as they may prescribe.
Subscriptions in land	3. Any person or any corporation holding or owning lands under the laws of this state, may subscribe for stock in said company, payable in land, for which certificates of common stock, full paid and unassessable, may be issued at such price as may be agreed upon between said company and the party or parties so subscribing.
Railroads may subscribe land	4. Any railroad company in this state, authorized by its charter to acquire lands for purposes of internal improvement, sale or settlement, may lawfully grant and convey such lands, or any portion thereof, to the company hereby incorporated, and receive in payment therefor stock as aforesaid, and hold or dispose of the same as fully as a natural person may now or hereafter lawfully do.
Preferred stock	5. This company shall have power to issue a preferred stock to an amount not exceeding twenty per cent. of its capital, on which it may guarantee dividends not exceeding ten per cent. per annum from the general profits of the company; but when the general profits exceed such guaranteed per cent. per annum on the whole subscribed and paid-up stock, the holders of preferred and common stock shall share equally in such profits. The company may also issue bonds or other obligations, and borrow money at any time to an amount not exceeding fifty per cent. of its subscribed and paid-up capital.
Dividende	6. The right to the franchise granted by this charter shall vest as soon as one hundred thousand dollars of the capital stock is subscribed and five dollars per share is paid to the corporators herein named, or to such person as they may appoint; and as soon as this condition is complied with, the corporators may call a general meeting of the stockholders, by published notice in one or more of the newspapers of Richmond or elsewhere, or by printed circular notice to each stockholder, at such place as may be designated in such notice. At such meeting, if a majority of the shares be represented in person or by proxy, a board of not less than five nor more than nine directors shall be elected, and from their number a president and vice-president to represent said company and manage its business; and the president and directors so elected shall hold their offices for one year, and until their successors are duly elected; and the board of directors of said company is hereby vested with power and authority to do all and every act and thing that the company might lawfully do during their continuance in office.
May borrow money	
When company may commence	
General meeting	
Board of directors	
President, &c.	
Term	
Votes	7. In all meetings of the company, each share of stock

owned shall entitle the owner, or the proxy of the owner, to one vote therein.

8. In addition to the lands said company may acquire from Business railroads or other incorporated companies, as herein before provided, it may purchase with its stock, or otherwise lawfully acquire land, deeds of trust, and bonds and mortgages from other parties, and settle and plant said lands, or sell and convey the same, erect agricultural and other buildings and machinery of all kinds, employ laborers, let lands to tenants, act as agent in the purchase, sale, or renting of lands for others, carry on emigration from foreign countries, or the other states of the Union; and to that end, may own, charter, or otherwise employ steamships and other vessels, or such other means of conveyance and transportation by land or water as it may deem expedient, establish emigrant depots and hospitals for the care, protection, and proper treatment of all persons brought into this state by said company.

9. Said company may lay out and establish on its lands, towns and villages, and dedicate to public uses therein, on such terms as its by-laws may provide, so much land as may be requisite for highways, streets, public gardens, churches, schools, and cemeteries, and hold the title thereof in perpetuity, or grant the same to such towns and villages, as to said company may seem best.

10. The said company shall have power, and may lawfully Guarantee pay-
ment of notes,
&c. guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, and certificates of property or value, upon such terms as may be established by the board of directors of said company, such guaranteed securities and other instruments to bear a rate of interest not exceeding the present Interest maximum rate allowed in this state; to receive in trust upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, bank-notes, promissory notes, certificates and evidences of debt, contracts, produce or other property, and invest or accumulate the same or any of its own funds, and to take the management, custody, and charge of real and personal estate and property, and to loan and advance moneys, securities, and Loans credits upon any property, real or personal, on such terms and at such rates of interest as may be established by the directors of said company—such rates of interest not to exceed the present maximum rate of interest allowed in this state, and to deal in foreign and domestic exchange. It shall also have Insurance, &c. power and authority to make insurance against all marine risks, against any damage or loss by fire, or by any other liability, casualty, or hazard upon any and every kind of property, real, personal, or mixed; to make insurance on lives and against accidents to persons or property; to grant annuities, to receive endowments, to cause itself to be insured against all risks it may have in any property or lives in its own right, or in virtue of any loan or advance, or of any contract, or policy of insurance.

Liability of
stockholders

11. The personal liability of any and every shareholder shall be limited to the amount due and unpaid upon the shares of stock owned and held by such shareholder.

Transfers

12. Every stockholder not in debt to the company, may, at pleasure, by power of attorney or in person, assign his stock and transfer the same on the books of the company, or any part thereof, not being less than a whole share; but no stockholder, indebted or liable to the company, shall be permitted to make a transfer, or receive a dividend, until such debt or liability is paid or secured to the satisfaction of the board of directors.

Deposits not
liable

13. In no case are deposits made with the company, or property held in trust or on storage, or the certificates therefor, to be held liable for any contract, debt, or undertaking of the company.

May receive its
stock in pay-
ment for lands;
how

14. Said company, in its by-laws, may provide for receiving its stock in payment for any land it may sell, at such price as it may fix thereon; and stock thus received may be cancelled and retired, or re-issued in the purchase of other lands or property, as the interests of the company may make expedient.

Contracts, &c.,
of company;
how authenti-
cated

15. All conveyances, contracts, and other written instruments, vesting title or interest in said company, shall be made to it by its corporate name and style; and all deeds made by said company, all policies of insurance issued by it, and all contracts or other written instruments whereby it is intended to bind said company, shall be signed by the president, or in his absence or inability to act, by the vice-president, and be attested by the secretary, except in cases otherwise provided for in the by-laws, or by resolution of the board of directors; and in the case of deeds, bonds, mortgages, and policies, shall have the company's seal affixed.

Its deeds, gene-
ral warranty,
&c.

16. Its deeds shall contain covenants of general warranty of title and quiet possession, and be acknowledged according to law; and every such deed shall contain, or have appended thereto, the courses and distances of the lands thereby conveyed, by actual survey, so as to define clearly its metes and bounds.

Limitation as to
quantity of land

17. After the year eighteen hundred and eighty, said company shall not own more than ten thousand acres of land in any one county, nor more than one thousand acres in any county after the year nineteen hundred.

Office and
branches

18. The principal office of said company shall be in the city of Norfolk or Richmond, with a branch at Danville, and may have as many other branch offices within or beyond the limits of this state as its business may require, and the meetings of the board of directors may be held at any of its offices, or elsewhere, upon such notice as the by-laws may prescribe.

When company
may exercise
certain powers

19. It shall not be lawful for said company to exercise any of the powers granted under the tenth section of this act until at least one hundred thousand dollars of the subscribed capital stock shall have been actually paid up in money, the fact of which payment shall be certified to the governor of the com-

monwealth, verified by the oath of the president or treasurer of the company: provided, however, that this company shall be subject to all general laws of the state now existing or hereafter enacted regulating corporations, insurance companies and banks, so far as applicable. Proviso

20. This act shall take effect from the date of its passage. Commencement

CHAP. 22.—JOINT RESOLUTION requesting the President of the United States to employ forces of the United States to assist the civil officers of this Commonwealth in enforcing the legal writs of the civil courts in certain counties.

Agreed to March 25, 1870.

The committee on resolutions, to whom were referred the governor's message of the date of twenty-fourth March, instant, on the subject of the late interference of the commanding general of the United States land forces for the department of Virginia in the municipal affairs of Richmond city, and of the resistance to the enforcement of legal process in Norfolk county, Elizabeth City county, and York county, have had the same under consideration, and beg leave to report that they have no doubt the resistance made and threatened by the colored people in the cases mentioned in the said message, originates in the ignorance and misconception of their rights by those people. Having been placed in possession of the lands, which are the subjects of controversy, by the federal military authorities, and having been so long accustomed to military rule alone, they will not now recognize the civil authorities as rightful. But the committee have such information as induces them to believe that, while any attempts to enforce process by the use of state forces would be resisted and lead to bloodshed, a very small force of the United States troops placed at the disposal of the officers of the law will enable them without difficulty to perform their duty in the premises. The committee therefore recommend the passage of the following preamble and resolution: Report of committee

Whereas it appears that, in the counties of Norfolk, Elizabeth City, and York, certain persons have combined to obstruct by force the due execution of the laws by legal process; and whereas it is believed that the use of the state forces for the purpose of enforcing legal process in said counties would probably lead to bloodshed; Preamble

And whereas the general assembly is informed that the persons so combined to obstruct the laws, claim that they were placed in possession of certain lands, the subjects of controversy, by the military forces of the United States, and that they will only surrender these lands to the military authorities of the United States; therefore, to the end that the laws may be faithfully executed in the said counties, and at the same time bloodshed averted,

President requested to employ troops to assist civil officers

Be it resolved by the general assembly, That the president of the United States be and he is hereby requested to employ such part of the land forces of the United States as shall be judged necessary to assist the civil officers in enforcing the legal writs of the civil courts, and in the due execution of the laws in the said counties of Norfolk, Elizabeth City, and York; and the governor of this commonwealth shall communicate this resolution forthwith to the president of the United States.

CHAP. 28.—An ACT to incorporate the Old Dominion Gold Mining Company of Virginia.

Approved March 28, 1870.

Corporators

Name
Business

Powers, duties,
&c.

Capital

Real estate

Office

1. Be it enacted by the general assembly, That William B. Buck, Joseph G. Mitchell, Parker Owens, J. W. Bradley, John H. Smith, Emmons T. Mockridge, and William S. Hassell, and their associates, successors and assigns, are hereby incorporated and made a body politic and corporate, by and under the name, style and title of The Old Dominion Gold Mining Company of Virginia, for the purpose of mining, smelting, assaying, manufacturing and selling ores, earths and minerals of every description, and for sawing, manufacturing and selling lumber, and for other milling purposes, and for buying and selling such things as appertain to their business, and of holding and improving lands, and of leasing or disposing of privileges to work or mine, or sell such lands, or any part or portion thereof, and to erect houses, and such other buildings or works, as may properly appertain to their business; and to use, mortgage, let, lease or work the same, and to dispose of the products of all such mines, works and lands, in the county of Spotsylvania, as they may deem proper; and of constructing, if deemed advisable, a private telegraph line connecting the office at the mines with the telegraph office in Fredericksburg, or any other more convenient point; and by such name and title they are hereby invested with all the rights, powers and privileges, and subjected to all the rules, regulations and restrictions, prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia for the government of such bodies politic and corporate, and shall have all the general powers, and be subject to all the general restrictions, provided by the Code of Virginia, so far as the same may be applicable to, and not inconsistent with, the rights and powers herein granted.

2. The minimum capital stock of said company shall not be less than one hundred thousand dollars, to be divided into shares of not less than one hundred dollars each. They shall have the right to purchase, hold, mortgage, lease, work, mine, and sell lands as aforesaid, in the county aforesaid, not exceeding five thousand acres at any one time. It shall be lawful for said company to establish the necessary offices, for the transaction of the business of the company, wherever they

deem proper; but the principal office of the company is to be kept, and the chief business transacted, at the mine in Spotsylvania county, state of Virginia.

3. The affairs of said company shall be managed by a board of directors, one of whom shall be president, who shall be chosen by the stockholders; but the officers who shall for the first year manage the concerns of the company, shall be William B. Buck, president, Joseph G. Mitchell, treasurer, William F. Hassell, secretary, and M. H. Kollock, superintendent, and a board of directors, who shall be appointed by the above-named persons, and all of whom shall hold their offices until their successors are duly elected. Directors, &c.

4. The subscription of stock may be paid in real or personal estate, appropriate to the business contemplated, at a bona fide valuation, to be agreed on by a majority of the stockholders. The said company shall have power to make and adopt such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure: provided, that such by-laws shall not be contrary to the constitution of this commonwealth, or the provisions of this act; and to adopt a common seal, and the same to alter at pleasure; and to issue certificates of stock or bonds at their discretion, representing the value of their property, in such forms, and subject to such regulations, as they may, from time to time, by their by-laws provide; and to regulate and prescribe in what manner and form their contracts and obligations shall be executed. Subscriptions
By-laws, &c.
Proviso

5. This act shall be in force from its passage.

Commencement

CHAP. 24.—An ACT for the relief of the sureties of Robert N. Ellis, late sheriff of Amherst county.

Approved March 29, 1870.

1. Be it enacted by the general assembly, That authority be given to the auditor of public accounts to suspend collection of a judgment in the name of the commonwealth against Robert N. Ellis, late sheriff of Amherst county, and John D. Davis, George H. Dameron, George R. Williams, Charles L. Ellis, Samuel M. Garland, Robert A. Pendleton, Robert A. Coghill, and Robert W. Snead, his sureties, for a period not exceeding twelve months: provided, he shall be satisfied that the same is sufficiently secured by the judgment lien; but nothing herein contained shall be construed to prohibit the auditor from collecting the debt whenever he may think proper to do so. Relief of Robert N. Ellis, late sheriff of Amherst

2. The auditor of public accounts is authorized and hereby required, upon a settlement of the aforesaid judgment, to receive from said sureties, in discharge of said judgment, against said sureties, payment of the principal, legal interest, costs, and expenses of collection, abating therefrom the damages which have been awarded for said default. Damages may be abated

3. This act shall be in force from its passage.

Commencement

CHAP. 25.—JOINT RESOLUTION directing the Auditor of Public Accounts to apply for and receive the land scrip to which the State of Virginia is entitled under the act of Congress passed July 2, 1862.

Approved March 29, 1870.

Preamble

Whereas, the general assembly is informed that the land scrip to which the state of Virginia is entitled under the act of the congress of the United States, passed July the second, one thousand eight hundred and sixty-two, is now ready for delivery; therefore,

Auditor authorized to receive land scrip from U. S.

1. Be it resolved by the general assembly of Virginia, That the auditor of public accounts, under the direction of the governor, be and he is hereby directed and empowered to apply for and receive from the government of the United States, the land scrip to which the state of Virginia may be entitled under the said act of congress, and that he hold the same subject to further order of the general assembly.

CHAP. 26.—An ACT for the relief of Samuel Kello, late sheriff of Southampton county.

Approved March 29, 1870.

Relief of Samuel Kello, late sheriff of Southampton, and his deputies

1. Be it enacted by the general assembly, That Samuel Kello, late sheriff of Southampton county, and the deputies whom he may appoint, be and are hereby authorized to receive and collect all taxes, fee bills, and county levies which were due and placed in the hands of said Samuel Kello for the years one thousand eight hundred and sixty-six, sixty-seven and sixty-eight, and are still unpaid, and they shall hereby possess the same legal rights in the collection of same that the sheriffs of the commonwealth had or possessed at the dates hereinbefore mentioned; said right shall continue for two years from the passage of this act.

Commencement

2. This act shall be in force from its passage.

CHAP. 27.—An ACT granting a Loan of Arms of the State to the Principal of St. John's Academy, Alexandria.

Approved March 29, 1870.

Granting loan of arms to St. John's Academy

1. Be it enacted by the general assembly of Virginia, That the governor be and he is hereby authorized, if not incompatible with the public welfare, to loan to the principal of St. John's Academy, Alexandria, upon his giving good and sufficient bond for the proper care and safe return when called for, a number of the arms of the state sufficient to enable the students of the academy, now properly organized, to exercise and drill as volunteer militia.

Commencement

2. This act shall be in force from its passage.

CHAP. 28.—An ACT to amend and re-enact Section Twenty-eight, Chapter Forty-four, of the Code of 1860.

Approved March 29, 1870.

1. Be it enacted by the general assembly, That section twenty-eight, chapter forty-four, of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows: Code of Va., chap. 44, § 28, amended

“§ 28. When any certificate shall be lost by the holder thereof, he may produce to the auditor, in whose office the said certificate is registered, proof of his having advertised the same once a week for four successive weeks in a newspaper; file in the office of the said auditor an affidavit setting forth the time, place, and circumstance of the loss, and execute a bond to the commonwealth, with one or more securities, approved by the said auditor, conditioned to indemnify all persons against any loss in consequence of issuing a new certificate in place of the one so lost; and thereupon the said auditor may issue a new certificate and register the same.”

2. This act shall be in force from its passage.

Commencement

CHAP. 29.—An ACT concerning the Alexandria, Loudoun and Hampshire Railroad Company, authorizing a change of route, name, &c.

Approved March 29, 1870.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the Alexandria, Loudoun and Hampshire railroad company to locate and construct its railroad from Hamilton station, in Loudoun county, to the line of West Virginia, by such route as the company may deem most eligible and direct, through the counties of Clarke and Frederick and by the city of Winchester, not more than one mile distant, and to provide proper and convenient connection by rail therewith, instead of that heretofore located, anything in previous acts relating to the said railroad to the contrary notwithstanding. Location of road

2. That the corporate name of the said company (the stockholders in general meeting consenting thereto) shall be The Washington and Ohio Railroad Company, and that notice of such consent shall be given to the board of public works within sixty days after such consent given—such change of name to take effect and commence from the date of the assent of the stockholders thereto. Name of corporation

3. That it shall be lawful for the said company, in general meeting, to increase its capital stock to an amount, including its present authorized capital, not to exceed fifteen millions of dollars, and to authorize its board of directors to borrow money at a rate of interest not exceeding eight per centum per annum, to the amount of fifteen millions of dollars, and to issue bonds therefor, and to sell the said bonds at the best Capital stock increased
May borrow money

How secured

price that can be obtained for them, and to secure the payment of such bonds by mortgage or deed of trust upon its franchise and its real and personal property, including its road, running stock, equipment, branches, income, and other things, or any part or parts thereof, and such bonds, or any part thereof, to make preferred bonds, or bonds convertible into stock of the company, for which purpose the said company shall be authorized to issue such additional stock as may be necessary.

Commencement

4. This act shall be in force from and after the passing thereof.

CHAP. 30.—An ACT in regard to Printing Acts of Private Incorporation.

Approved March 30, 1870.

Requiring bills
for private cor-
porations to be
printed at their
expense

1. Be it enacted by the general assembly of Virginia, That all joint stock companies, other than railroad, canal, and other internal improvement companies, making applications to the legislature for acts of incorporation, when bills for the purpose are reported by any committee of either house, shall, before any final action be had thereon, cause to be printed, at the expense of the company making such application, a copy of such bill for every member of each house.

Commencement

2. This act shall be in force from its passage.

CHAP. 31.—An ACT amending the charter of the Valley Railroad Company.

Approved March 30, 1870.

§ 4 of charter
amended

1. Be it enacted by the general assembly, That the fourth section of an act passed February twenty-third, one thousand eight hundred and sixty-six, entitled an act to incorporate the Valley railroad company, be amended and re-enacted so as to read as follows:

§ 4

"§ 4. The said Valley railroad company shall, at one or more points within or near the corporate limits of the town of Lexington, construct one or more depots upon the boundary line of the ground condemned to the use of the North river navigation company; and shall, at one or more points within the corporate limits of the town of Buchanan, construct one or more depots on the boundary line of the land condemned to the use of the James River and Kanawha company; and they shall deliver from the said depots any freight or tonnage intended for transportation either on the canal at Lexington or on the canal at Buchanan; and shall receive into the said depots any merchandise or other freight coming upon either of the said canals, and intended for transportation on the said Valley railroad, and no additional or extra charge shall be made by the said Valley railroad company for such delivery out of, or receiving into said depots."

Commencement

2. This act shall be in force from its passage.

CHAP. 32.—An ACT to incorporate the Union Bank of Winchester.

Approved March 30, 1870.

1. Be it enacted by the general assembly of Virginia, That Corporators Wm. L. Clark, C. L. Crum, H. Kinzell, E. H. Boyd, R. B. Holliday, J. B. Russell, H. Beatjer, L. N. Huck, and Wm. R. Denny, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of the Union Bank of Winchester, and by this Name name and style are hereby invested with all the rights, pow- Powers, &c. ers, and privileges conferred, and made subject to all the rules, regulations, and restrictions imposed by the Code of Virginia, applicable to savings banks, and not inconsistent with the provisions of this act.

2. The capital stock of the said corporation shall not be less Capital than ten thousand dollars, which may be increased from time to time to a sum not exceeding two hundred thousand dollars.

3. The said company shall have power and authority to invest its capital stock or other funds in bank or other stocks, How invested in the purchase of bonds issued by this or any other state of the United States, and in bonds of any incorporated company; to lend money upon personal or real security; to discount Discounts bonds, notes, and bills of exchange, and receive the interest in advance, and to guarantee the payment of notes, bonds, bills of exchange, or other evidences of debt.

4. This act shall be in force from its passage, and be subject Commence- to amendment, alteration, or modification, at the pleasure of ment the general assembly.

CHAP. 33.—An ACT to Charter the Rappahannock and Potomac River Railroad.

Approved March 30, 1870.

1. Be it enacted by the general assembly of Virginia, That Corporators A. L. Carter, M. Lewis, James R. Ball, W. L. G. Mitchell, Robert T. Pierce, and James V. Sullivan, with such other parties as may hereafter be associated with them, be and they are hereby incorporated and made a body politic and corporate by the name and style of The Rappahannock and Potomac Name Railroad Company, for the purpose of constructing a railroad from a point at or near Monaskon, on the Rappahannock river, Location in the county of Lancaster, to some point on the Potomac at or near the mouth of Cone river, a tributary of the Potomac, in the county of Northumberland. The capital stock of the Capital; shares company shall not exceed half a million of dollars, and shall be divided into shares of one hundred dollars each. When fifty thousand dollars thereof are subscribed, the subscribers may organize the company and exercise the functions of a corporation, in accordance with the provisions applicable thereto

Within what
time completed

May borrow
money; how

Commence-
ment

in the Code and statutes of Virginia: provided, that in order to secure the rights and franchises contained in this charter, such organization shall be perfected and the construction of the road commenced within two years from the passage of this act; and the directors of said company, or a majority of them, shall, by and with the consent of the stockholders in general meeting assembled, have power to borrow money for the purposes of this act, and to issue proper certificates of such loans, and to pledge the property of the company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon: provided, the said railway shall be open to the use of any railroad company heretofore or hereafter chartered by the state of Virginia, and the engines and trains of any such company may pass over it upon such terms and according to any such schedule as may be agreed upon between said company and the said Rappahannock and Potomac railroad company; or, in case of any failure to agree thereon, upon such terms and upon such schedule as the board of public works of Virginia may, from time to time, prescribe.

2. This act shall be in force from its passage.

CHAP. 34.—An ACT to authorize the Governor to Appoint a Temporary Clerk.

Approved March 30, 1870.

Temporary
clerk

Warrant for pay

Commence-
ment

1. Be it enacted by the general assembly, That the governor of the commonwealth be and hereby is authorized to employ a clerk, for such time as the public service may require during the present year, at a salary not exceeding the rate of one thousand dollars a year.

2. The auditor of public accounts is hereby authorized and required to issue his warrants monthly on the treasury, upon the certificate of the governor, for the pay of said clerk.

3. This act shall be in force from its passage.

CHAP. 35.—An ACT authorizing the Auditor of Public Accounts to employ a Porter for the basement offices of the Capitol.

Approved March 30, 1870.

A porter for
basement offices
of capital

Commence-
ment

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized to employ a porter for the basement offices of the capitol, whose pay shall not exceed the sum of two dollars per day, the same to be paid out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 36.—An ACT authorizing the Board of Public Works to examine all claims for work, &c., on the Covington and Ohio and Blue Ridge Railroads, and report to the General Assembly the result of such examination.

Approved March 30, 1870.

1. Be it enacted by the general assembly, That the board of public works be and they are hereby authorized to examine into all claims against the state of Virginia on account of contracts made for the construction of the Covington and Ohio and Blue Ridge railroads, and if anything shall be found due by the state to any contractor or his assignee or personal representative for work done or materials furnished upon said roads, that they report to the general assembly the number, nature, and amount thereof.

Board of public works to examine claims for work, &c., on certain railroads

2. This act shall be in force from its passage.

Commencement

CHAP. 37.—An ACT to incorporate the Virginia Marble Company.

Approved March 30, 1870.

1. Be it enacted by the general assembly of Virginia, That B. F. Carter, B. P. Noland, J. E. Reeside, R. W. N. Noland, John W. Wright, John D. Defrees, Frederic P. Stanton, Job W. Augus, J. E. Lewis, Clinton Loyd, and William E. Niblack, owners of certain marble and other stone quarries on the waters of Goose creek, Loudoun county, and their associates and successors, are hereby constituted a body corporate, by the name of The Virginia Marble Company, with power by that name to have perpetual succession, to sue and be sued, to have a common seal, and to alter the same at their discretion.

Corporators

Name

2. Be it further enacted, &c., The said company is authorized to acquire title, either by lease or absolute conveyance, to the quarries aforesaid, and lands adjacent or convenient thereto, not exceeding five thousand acres, and to cause the said quarries to be opened and worked, and the marble and other stone or minerals to be transported to market for sale; and also to sub-let or sell and convey such portions of said lands as may be convenient or necessary to be so used in the proper development of said quarries.

Real estate

Business

3. That it shall be lawful for the said company to construct and operate one or more railroads not exceeding twenty-five miles in length, upon which to transport marble and other stones and minerals from the quarries to any point on the Potomac river and on the Orange, Alexandria and Manassas railroad, or on the Loudoun and Hampshire railroad, or on any other railroad hereafter to be built which may pass through the county of Loudoun; and also to improve the navigation of Goose creek from said quarries to its mouth by locks and dams; and for these purposes the said company is authorized.

May construct railroads

Navigation and right of way

rized to acquire the right of way by purchase or otherwise, according to the laws of Virginia, and also acquire in the same manner all such lands as may be necessary for the complete construction and equipment of its roads, locks, and dams.

By-laws, &c.

4. Be it further enacted, &c., The said company shall have power to make all necessary by-laws, rules, and regulations for its own organization; for the management of its business; for the election of all necessary officers and the appointment of agents; for the issue of certificates of stock and the transfer of the same: provided, such by-laws, rules, and regulations shall not be inconsistent with the laws of this state; and provided, also, that in all the meetings of stockholders the votes shall be in proportion to the amount of stock held by each respectively.

Proviso

Capital

5. Be it further enacted, &c., The capital stock of said company shall be of such amount as the said company shall determine, and may be increased from time to time at their discretion; but the amount of capital stock shall not be fixed at an amount less than fifty thousand dollars nor greater than the value of the property and franchises owned by said company, including the sums expended and to be actually expended in developing said quarries and providing transportation as aforesaid.

Transportation
of passengers
and merchandise

6. Be it further enacted, &c., The said company shall be required to offer convenient means of carrying passengers and merchandise for the accommodation of the public on such railroads as may be constructed; or on Goose creek—at such reasonable rates as may be usual on similar railroads or water communications in this state.

May issue bonds

7. Be it further enacted, &c., The said company may issue its bonds at such times and in such amounts as it may deem proper, and may execute a mortgage or mortgages on any part or all of its property and franchises to secure the payment thereof, and to do all things right and proper to be done to accomplish the purposes of the said company.

Board of
directors

8. Be it further enacted, &c., The persons named in the first section of this act shall constitute the first board of directors, who shall hold their offices until their successors are elected and qualified.

Commence-
ment

9. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of all general laws now in force, or which shall be hereafter passed, governing internal improvement and other chartered companies, so far as they are applicable to the company hereby incorporated.

CHAP. 38.—An ACT to prescribe and define the Jurisdiction of the County and Corporation Courts of the Commonwealth, and the Times and Places of Holding the same.

Approved April 2, 1870.

1. Be it enacted by the general assembly, That chapter one hundred and fifty-seven of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

Code of Va.,
chap. 157,
amended

County courts.

“§ 1. For every county there shall be a court, called the county court, which shall be held by a judge learned in the law of the state, and be known as the county court judge, who shall be chosen by the general assembly in the same manner as judges of the circuit courts.

County courts;
how held

Terms of county courts.

“§ 2. There shall be held in each county of this commonwealth, monthly, a term of the county court, to be held at the times prescribed by law, and with the jurisdiction hereinafter provided. The court may from time to time change the day for the commencement of the terms thereof. The clerk of such court, within thirty days after any such change, shall send a copy of the order making it to the clerk of the house of delegates.

Terms of

Civil jurisdiction of county courts.

“§ 3. The county courts shall have jurisdiction to hear and determine all cases at law and in chancery, within such county, which are now pending, and which may hereafter be brought in said courts, except civil causes, to recover property or money, not of greater value or amount than twenty dollars, exclusive of interest, and except such cases as are by law specially assigned to some other tribunal.

Civil jurisdiction

“The said courts shall also have jurisdiction to hear and determine all motions, matters and things made cognizable therein by any statute, or authorized by law to be done by or in such courts; and where motions to recover money are allowed in a county court, otherwise than under the sixth section of chapter one hundred and sixty-seven of the Code, such courts may hear and determine the same, although it be to recover less than twenty dollars. The powers, duties, authority, and jurisdiction of said courts, shall be and continue as now provided by law, except in so far as the same are modified by the constitution of the state.

Motions, &c.

“The said courts shall execute and enforce, by proper process, and in the manner provided by law, every judgment, decree or order heretofore entered by the county courts in their respective counties, and shall supervise, correct, and enforce, in the like manner, any rule taken, or order, entry or endorsement heretofore made by the clerks of their said courts.

Judgments, &c.,
heretofore rendered

Criminal jurisdiction of county courts.

Criminal jurisdiction	"§ 4. The county courts shall have exclusive original jurisdiction for the trial of all presentments, informations, and indictments for offences committed within their respective counties, and also of all presentments, informations, and indictments now pending in said courts; except that a person to be tried for arson, or any felony for which he may be punished with death, may, upon his arraignment in the county court, demand to be tried in the circuit court having jurisdiction over the county for which said county court is held.
When in circuit court	
Where judge cannot hold his term	"§ 5. If any judge of a county court be unable or fail to attend a regular term of his court, or be prevented from sitting during the whole term, or be so situated in respect to any cause pending in said court as in his opinion to make it improper for him to try it, any other county judge may hold said court either for the whole term or any part thereof.

Corporation or hustings courts.

Corporation or hustings courts	"§ 6. For each town or city of the state, containing a population of five thousand, there shall be a court called a corporation court, to be held by a judge with like qualifications, and elected in the same manner, as judges of the county court.
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Jurisdiction of corporation courts.

Jurisdiction	"§ 7. The several corporation courts of this state shall, within their respective limits, have the same jurisdiction as the circuit courts; and the same jurisdiction as county courts over all offences committed within their limits; and such other jurisdiction as may be conferred upon them by law: provided, that the provisions of this section shall not apply to the courts of the city of Richmond.
Proviso	"§ 8. All persons who have heretofore elected to be tried in the circuit court, shall be tried in said court, anything in this act to the contrary notwithstanding.
Judges not to practice	"§ 9. That no one holding the office of judge in this state, shall practice law, during his continuance in office, in any court of this commonwealth.
Inconsistent acts repealed	"§ 10. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.
Commencement	"§ 11. This act shall take effect and be in force in each of the counties, cities, and towns of the state, from and after the commencement of the first term held therein respectively, by the judge elected under the constitution of the state."

CHAP. 39.—An ACT to provide for Dividing the several Counties of this State into Townships.

Approved April 2, 1870.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the governor of this commonwealth, as soon after the passage of this act as may be, to appoint in each county of this state five discreet men, citizens of said counties, to lay off their respective counties into townships, as hereinafter provided, and to inform said commissioners forthwith of their appointment.

Governor to appoint five men in each county to lay it off into townships

2. It shall be the duty of said commissioners, any three of whom may act, to proceed without delay to divide and lay off their several counties respectively, into compactly located townships, as nearly equal as may be in territory and population, with the view to the proper sub-division of said townships into school districts, so that there be not less than three nor more than eleven townships in any one county, and so that after three have been formed, no additional townships shall be made containing less than thirty square miles; and for this purpose they are authorized, provided one of said commissioners be not competent to make such survey, to employ a competent surveyor, by whose aid they shall lay off said townships by metes and bounds, and when in their opinion the same is necessary, cause memorial stones to be placed at prominent points on the boundary lines of said townships. Said commissioners shall establish one or more places for opening polls in each township for all elections in this commonwealth, in which the voters in any such township shall have the right to vote; and all other places for opening a poll in any election, except in towns not embraced in such townships, are hereby abolished; and the townships so laid off, and the places so fixed for voting-places, shall be the townships and the voting-places for said county. It shall be the duty of said commissioners to make, at the earliest practicable day, not more than ten days after laying off said townships and completing said surveys, a written report, designating as accurately as they conveniently can, the boundaries of said townships, and designating the same by appropriate names, as the township of _____, in the county of _____, and declaring the place or places established by them in each township for opening polls as hereinbefore provided, together with all other matters deemed pertinent by themselves, make return thereof to the clerks' offices of their several county courts respectively: provided, that no part of any town or city having a separate organization or a population of five thousand or more inhabitants, shall be embraced in any of said townships; and provided, also, that no public highway shall be made the boundary line between townships, unless the commissioners shall designate to which township the said highway, or any section thereof, may belong; and provided further, that before entering upon the discharge of his duties under this act, each commissioner and surveyor shall take an oath or affirmation

Any three may act

Townships to be as nearly equal as possible in territory and population
Number of townships
No additional townships of less than thirty square miles
May employ surveyor

Memorial stones

Precincts

Commissioners' report

Proviso

Public highways

Oath

before some one authorized by law to administer oaths or affirmations, that they will faithfully and honestly discharge the duties required of them by this act; and in case there shall be no one present authorized to administer oaths or affirmations, then any one of the commissioners shall administer the oath or affirmation to the others, and in turn be himself sworn by one of them.

Report to be recorded, and copy to be furnished to secretary of commonwealth

3. It shall be the duty of the clerk of the county court for each county in this state, within ten days after the return of said report to his office, to cause the same to be entered of record in the deed book of his office, and to furnish to the secretary of the commonwealth an attested copy thereof.

Vacancies; how filled by commissioners

4. In case so many of said commissioners shall decline, or fail to act, whereby their number shall be reduced below the number required by this act, then the remaining commissioners shall, by appointment, fill such vacancies until their number reaches the maximum required by law; and in case all of said commissioners shall decline or fail to act, then other commissioners shall be appointed as prescribed in the first section.

New commissioners may be appointed

Statement of the number of days employed

5. At the last meeting of said commissioners for said counties respectively, they shall cause to be made out a statement, which shall be signed by a majority of the members present, and filed in the clerk's office of the county court, showing the number of days each member of the board and the surveyor (if any was employed) were actually engaged in the discharge of their duties under this act, and all sums due to other parties for services rendered under this act, and all sums, if any, paid by the commissioners, or any of them, in carrying out this act; and the said commissioners and surveyor shall be entitled to compensation for their services at the rate of three dollars per day each, and the clerk of the county court shall receive for his services the like fees allowed by law for recording deeds, all of which several amounts, together with all other necessary and proper charges incurred in carrying out the provisions of this act, shall be paid by the counties respectively, for which the services were rendered, out of the next county levy: provided, no commissioner, surveyor, or clerk, shall be entitled to receive any pay under this act, if it shall appear that he has caused any delay in executing the same, by failing to discharge in proper time the duties assigned him herein; and provided further, that all accounts for services rendered, and moneys paid by said commissioners and surveyor, shall be audited and approved by the board of supervisors of said counties respectively.

Compensation

How paid

Proviso

Names of townships to be published with session acts

6. It shall be the duty of the keeper of the rolls to publish, with the sessions acts of the general assembly, the names of the several townships in this state.

How townships, or places of voting, may be changed

7. It shall be lawful upon the petition of fifty qualified voters of the township or townships proposed to be affected thereby, after the same has been posted for at least thirty days at the court-house of the county, and at the voting-place or places of the said township or townships, for the judge of the county courts of the several counties to be hereafter elected by the general assembly by an order entered of record, for

good cause shown, to re-arrange, increase or diminish the number of townships, change the names thereof, or change the place or places of holding elections therein; but at or before the trial of said petition, any citizen or citizens of said township or townships, shall have a right to enter himself or themselves as defendant or defendants thereto, after which said cause shall proceed in all respects as other causes upon the docket of said court; but after one petition under this section has been rejected by said county court, no petition for that purpose shall be again entertained for the space of twelve months from the date of such rejection: provided, that no such change or re-arrangement shall take effect, until after the first general election of township officers, after the passage of this act.

8. All acts or parts of acts in conflict herewith are hereby repealed. Repeal of inconsistent acts

9. This act shall be in force from its passage. Commencement

CHAP. 40.—An ACT to District the State for County Judges.

Approved April 2, 1870.

1. Be it enacted by the general assembly of Virginia, That for each of the following counties and districts there shall be one county judge: Districts for county judges

- District No.
1. Accomack;
 2. Albemarle;
 3. Alexandria;
 4. Alleghany and Craig;
 5. Amelia;
 6. Amherst;
 7. Appomattox;
 8. Augusta;
 9. Bedford;
 10. Bland and Giles;
 11. Botetourt;
 12. Brunswick;
 13. Buchanan and Wise;
 14. Buckingham;
 15. Campbell;
 16. Caroline;
 17. Carroll;
 18. Charles City and New Kent;
 19. Charlotte;
 20. Chesterfield;
 21. Clarke;
 22. Culpeper;
 23. Cumberland;
 24. Dinwiddie;
 25. Elizabeth City and Warwick;

- District No. 26. Essex;
27. Fairfax and Alexandria county;
28. Fauquier;
29. Floyd;
30. Fluvanna;
31. Franklin;
32. Frederick;
33. Gloucester and Mathews;
34. Goochland;
35. Grayson;
36. Halifax;
37. Hanover;
38. Henrico;
39. Henry;
40. Highland and Bath;
41. Isle of Wight;
42. James City and York;
43. King and Queen and Middlesex;
44. King William;
45. Lee;
46. Louisa;
47. Loudoun;
48. Lunenburg;
49. Madison and Greene;
50. Mecklenburg;
51. Montgomery;
52. Nansemond;
53. Nelson;
54. Norfolk county;
55. Northampton;
56. Northumberland and Lancaster;
57. Nottoway;
58. Orange;
59. Page and Warren;
60. Patrick;
61. Pittsylvania;
62. Powhatan;
63. Prince Edward;
64. Prince George and Surry;
65. Princess Anne;
66. Prince William;
67. Rappahannock;
68. Roanoke;
69. Rockbridge;
70. Rockingham;
71. Russell;
72. Scott;
73. Shenandoah;
74. Smyth;
75. Southampton;
76. Spotsylvania;
77. Stafford and King George;
78. Sussex and Greenesville;
79. Tazewell;

- District No. 80. Washington;
81. Westmoreland and Richmond;
82. Wythe and Pulaski.

2. The following towns and cities, having more than five City judges thousand inhabitants, shall each have one city judge:

Fredericksburg;
Lynchburg;
Norfolk;
Petersburg;
Portsmouth;
Staunton;
Alexandria;
Winchester.

3. The city of Richmond, having over thirty thousand inhabitants, shall have one city judge and one judge of probate and record.

City and probate judge for city of Richmond

4. This act shall be in force from its passage.

Commencement

CHAP. 41.—An ACT to Incorporate the Virginia Law Society.

Approved April 2, 1870.

1. Be it enacted by the general assembly, That William Green, Jno. B. Baldwin, Wood Bouldin, James Neeson, John L. Marye, Jr., William McLaughlin, James Lyons, Andrew Hunter, Wm. A. Maury, W. W. Gordon, L. R. Page, Wm. W. Crump, R. T. Daniel, Robert Ould, Henry A. Wise, Robert Styles, Isaac H. Carrington, B. R. Wellford, Marmaduke Johnson, Thomas J. Evans, R. H. Christian, Wm. H. Macfarland, A. M. Keiley, A. R. Courtney, Muscoe Garnett, Charles Herndon, Alfred Morton, James C. Taylor, John A. Meredith, Sherwin McRae, and such other persons as may, with their consent, be hereafter associated with them, shall be a corporation for the advancement of legal science, the promotion of law reform, and the cultivation of kindly professional and personal intercourse among the lawyers of Virginia.

Virginia Law Society incorporated

2. The members of the society may elect a directory to consist of a president and four directors, who shall have full authority to prescribe rules for the government of the society, the management of its property, and the conduct of its business, so that such rules be not inconsistent with the laws of Virginia, and shall be subject to the control of the members in general meeting.

Directory

3. The directory shall have authority to increase its number, provided that its members shall not exceed thirteen.

Its number

4. This act shall be in force from its passage.

Commencement

CHAP. 42.—An ACT Supplemental to an Act Incorporating the Shenandoah Valley Railroad Company, passed February 23, 1867.

Approved April 2, 1870.

Subscriptions;
how received

1. Be it enacted by the general assembly, That it shall be lawful for the Shenandoah Valley Railroad Company to receive subscriptions to the capital stock of said company in lands, mines, property, materials, labor, and otherwise, or to receive subscriptions from other companies, associations, and corporations, and make such arrangements as shall be mutually agreed upon by the respective boards of direction of such companies, associations, and corporations, for the endorsement of, sale, and exchange of stocks and bonds, as to increase facilities for a speedy completion of said road.

Branch and
lateral roads

2. In addition to the powers heretofore granted, the said railroad company shall have power to build branch and lateral roads, not exceeding ten miles in length from their main line, to connect with any mines, lands, works, or manufactories owned or operated by the said company.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 43.—An ACT providing for Courts for the City of Richmond, and Defining the Jurisdiction thereof.

Approved April 7, 1870.

Courts for the
city of Rich-
mond

1. Be it enacted by the general assembly, That there shall be for the city of Richmond a circuit court, to be held by the judge of the seventh circuit; a hustings court, to be held by the city judge of said city, with like qualifications, and elected in the same manner, as judges of the circuit courts; and a court of probate and record, to be called the chancery court of the city of Richmond, to be held by a judge with like qualifications, and elected in the same manner, and for the same term, as the judge of the hustings court.

Jurisdiction of
circuit court

2. The circuit court of the city of Richmond shall have exclusive original jurisdiction of all causes, motions, matters and things, which are cognizable by law in other circuit courts of the commonwealth, whether now pending or hereafter brought therein: except that said court shall have no jurisdiction of any suit or proceeding in chancery, or of any criminal prosecution, unless by law such jurisdiction be specially given.

Criminal pro-
ceedings against
convicts

3. The circuit court of the city of Richmond shall have jurisdiction of all criminal proceedings against convicts in the penitentiary, and of all proceedings to enforce payment of money to the commonwealth. There shall be brought and prosecuted in said circuit court all suits in which it may be necessary or proper to make any of the following public officers a party defendant as representing the commonwealth, to wit: the governor, attorney-general, treasurer, register of

Suits in which
public officers
are parties

the land office, or either auditor; or in which it may be necessary or proper to make any of the following public corporations parties defendant, to wit: the board of the literary fund, board of education, board of public works, or any other public corporation composed of officers of government, of the funds and property of which the commonwealth is sole owner, or in which it shall be attempted to enjoin or otherwise suspend or affect any judgment or decree on behalf of the commonwealth, or any execution issued on such judgment or decree.

4. The hustings court of the city of Richmond shall (except as hereinbefore provided) have exclusive original jurisdiction of all presentments, informations and indictments for offences committed within the jurisdiction aforesaid, including criminal causes now therein pending.

Jurisdiction of hustings court

5. The chancery court of the city of Richmond shall exercise exclusively all jurisdiction now vested in circuit or corporation courts concerning the probate and recordation of wills, the appointments, qualifications, and removal of fiduciaries, and the settlement of their accounts, the docketing of judgments, the recordation in the manner prescribed by law of deeds and other papers required by law to be recorded, and shall have exclusive jurisdiction of all suits and proceedings in chancery cognizable by law in any circuit court of the commonwealth.

Jurisdiction of chancery court

6. So soon as the clerk of the chancery court of the city of Richmond shall have qualified, all chancery records and papers in the clerk's office of the circuit court of the city of Richmond, and in the clerk's office of the hustings court of the city of Richmond, and all papers, books and records pertaining to the probate and recordation of wills, the appointment, qualification, and removal of fiduciaries, the recordation of deeds and other papers required by law to be recorded, and the judgment docket shall be removed to and kept in the office of the clerk of the chancery court of the city of Richmond; and all books, papers and records in the hustings court of the city of Richmond, pertaining to the common law side of said court, shall be removed to the clerk's office of the circuit court of the city of Richmond, so far as such removal can be made without mutilating the record of said hustings court in the jurisdiction conferred on it by this act. And when the record in any pending case cannot be so removed, a copy thereof shall be certified to the said circuit court by the said hustings court, which shall have in said circuit court the same force and effect as if the original record had been so removed.

All chancery records, &c., to be removed to chancery court

Common law records to be removed to circuit court

7. Appeals, writs of error and writs of supersedeas from and to judgments, decrees and orders of the said hustings court and the said chancery court of the city of Richmond, shall be taken and allowed as if they were from or to those of the circuit court or a circuit judge.

Appeals, writs of error, &c.

8. There shall be a clerk of the circuit court, a clerk of the hustings court, and a clerk of the probate court, who shall be entitled to receive the fees and emoluments now allowed by law to clerks of the circuit courts, and shall be appointed and

Clerks of said courts

elected in the mode prescribed by law for the election of clerks of circuit courts.

Sergeant and
sheriff

9. The sergeant of the city of Richmond shall be the officer of the hustings court, and the sheriff of the city of Richmond shall be the officer of the circuit court and also of the chancery court.

Terms of courts

10. There shall be a term of the hustings court of the city of Richmond for each month in the year, commencing on the first Monday in the month and continuing so long as the business before the court may require. The circuit court of the city of Richmond and the chancery court of the city of Richmond shall each hold four terms in each year, commencing on the first Monday in January, April, June, and October, and said terms shall be continued so long as the business before said courts, respectively, may require: provided, that the first term of the chancery court shall commence on the second Monday after this act takes effect. But the said chancery court shall be always open as a court of probate and record, and the clerk thereof shall at all times exercise such powers and perform such duties, as to docketing judgments and recording deeds and other papers, as have been heretofore exercised and performed by the clerk of the hustings court of the city of Richmond.

First term of
chancery court

Chancery court
to be always
open for pro-
bate and record

Power to en-
force judgments
and decrees, and
to try removed
causes

11. The several courts to which the records of judgments and decrees heretofore rendered may be removed, shall have as full power to enforce said judgments and decrees as, under the laws now in force, the court which rendered the judgment or decree had. And the court to which the papers and records in any pending cause may be removed under the provisions of this act, shall proceed to try and determine said cause as though the same had been originally brought there.

Commence-
ment

12. This act shall take effect and be in force from and after its passage.

CHAP. 44.—An ACT Chartering the Fredericksburg and Northern Neck Railroad.

In force April 8, 1870.

Fredericksburg
and Northern
Neck Railway
Company incor-
porated

1. Be it enacted by the general assembly of Virginia, That W. R. Mason, T. G. Pollock, Edward T. Taylor, Walter Campbell, R. H. Catlett, J. K. Anderson, H. B. Hoopes, C. M. Braxton, C. W. Wallace, G. E. Alsop, A. Pratt, A. L. Carter, Samuel Downing, Wm. T. Chase, Edwin Betts, L. B. Burgess, A. J. Brent, Richard H. Lyell, S. W. Balderson, Thomas Jones, R. L. T. Beale, B. F. Brown, W. W. Walker, Robert J. Washington, George N. Carter, J. B. Jett, and J. J. Mason, together with such other parties as may hereafter be associated with them, be and they are hereby incorporated and made a body politic and corporate by the name and style of The Fredericksburg and Northern Neck Railway Company, for the purpose of constructing a railway from a point at or near Fredericks-

Route

burg to some point on the Potomac river, in the county of King George or Westmoreland, or on Chesapeake bay, in Northumberland or Lancaster, as the surveys of the company may determine. The capital stock of the company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each. When one hundred thousand dollars thereof are subscribed, the subscribers may organize the company and exercise the functions of a corporation in accordance with the provisions applicable thereto in the Code and statutes of Virginia: provided, that in order to secure the rights and franchises contained in this charter, such organization shall be perfected and the construction of the road commenced within five years from the passage of this act; and the directors of said company, or a majority of them, shall, by and with the consent of the stockholders in general meeting assembled, have power to borrow money for the purposes of this act, and to issue proper certificates of such loans, and to pledge the property of the company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon: provided, the said railway shall be open to the use of any railway company heretofore or hereafter chartered by the state of Virginia, and the engines and trains of any such company may pass over it upon such terms and according to such schedule as may be agreed upon with the said Fredericksburg and Northern Neck railway company, or in case of any failure to agree thereon, upon such terms and according to such schedule as the board of public works of Virginia may, from time to time, prescribe.

Capital stock

Proviso

Directors may borrow money

Road to be open to use of other railways

Upon what terms

2. It shall be lawful for the said company to receive in lieu of money in payment of subscriptions to the said capital stock, land to the extent of thirty thousand acres, which land shall be taken by said company in payment of said subscription at such valuation as may be agreed upon by said company and the party desiring to make such payment.

Land may be subscribed in lieu of money

The said company may receive and hold all real estate conveyed to them in payment of subscriptions to the capital stock thereof, and may sell, lease, mortgage, or encumber the same in such manner as said company may deem best.

May hold real estate, and mortgage same

It shall be lawful for each of the counties of King George, Westmoreland, Richmond, Northumberland, and Lancaster, at the first general election for county officers after the passage of this act, to submit according to sections forty-six, forty-seven, and forty-eight of chapter sixty-one of the Code of 1860 to a vote of the people of each of the said counties respectively, the question whether they will subscribe the sum of twenty-five thousand dollars each to the capital stock of said company, and if the people of any or all of said counties decide by the requisite majority in favor of such subscription, then it shall be lawful for the court, according to the provisions of section fifty of chapter sixty-one of the Code of 1860, to provide for the payment of the same.

Vote to be taken for county subscription

3. This act shall be in force from its passage.

Commencement

CHAP. 45.—An ACT in relation to Commissioners of the Revenue.

In force April 8, 1870.

Code of Va.,
chap. 35, § 1 to
§ 41, inclusive,
amended

1. Be it enacted by the general assembly, That sections one to forty-one, inclusive, of chapter thirty-five of the Code (edition of eighteen hundred and sixty), be amended and re-enacted so that, with the amendments, the same shall read as follows:

Number of commissioners, term of office, residence; districts, how changed.

Number of com-
missioners

“§ 1. Be it enacted by the general assembly, That there shall be three commissioners of the revenue for each of the counties of Franklin, Loudoun, Pittsylvania, and Rockingham; two for each of the counties of Accomack, Albemarle, Augusta, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charlotte, Chesterfield, Culpeper, Dinwiddie, Fauquier, Frederick, Giles, Grayson, Halifax, Hanover, Henrico, Henry, Lee, Louisa, Mecklenburg, Montgomery, Nansemond, Norfolk, Patrick, Prince William, Rockbridge, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Sussex, Tazewell, Washington, and Wythe; one for every other county now existing or which may be hereafter created; and three for the city of Richmond; and one for each of the corporations of Danville, Fredericksburg, Lynchburg, Norfolk, Petersburg, Portsmouth, Staunton, Williamsburg, and Winchester.

How appointed;
term of office

“The said commissioners shall be appointed by the auditor of public accounts, shall hold their office for the term of one year and until their successors are appointed and qualified, and shall give bond and qualify as hereinafter prescribed.

Districts

“§ 2. In those counties and corporations in which there may be more than one commissioner, each shall be for a certain district, which the court of the county or corporation shall designate by number. The bounds of each district shall also be laid off and described by an order of such court, and may at any time be changed by such court.

How changed

Qualifications and bonds of commissioners.

Qualification
and bonds

“§ 3. Every person appointed commissioner, shall, within sixty days thereafter, and before entering upon the duties of his office, before the court of the county or corporation where-in he was appointed, take the several oaths required by law, and give bond, with sufficient security, in a penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be made payable to the commonwealth of Virginia, and after being acknowledged in open court, shall be entered of record in such court. If any commissioner shall fail to take such oaths and give such bond within the time herein prescribed, his office shall be deemed vacant, and it shall be the duty of the court of the

Failure to
qualify

county or corporation to declare the vacancy and certify the same to the auditor of public accounts. The qualification, unless to fill a vacancy of part of the term of his predecessor, shall not be construed to invest such commissioner with authority to act as such before the time appointed for him to enter upon the duties of his office. If appointed to file a vacancy, the commissioner shall qualify within thirty days after the day of appointment.

With what authority invested

Within what time to qualify

Clerks to send copies of bonds to auditor.

“§ 4. Within ten days after the bond is given and the several oaths of office taken, the clerk of the court wherein said bond is directed to be filed and recorded, shall transmit a copy thereof, together with a copy of the order of court showing the qualification of such commissioner and acknowledgment of said bond, to the auditor of public accounts. If any clerk shall fail to perform this duty, a fine shall be imposed on him of not less than fifty dollars nor more than one hundred dollars, and a like fine of not less than fifty dollars nor more than one hundred dollars for each period of ten days thereafter that he shall fail to make such return.

Copies of bonds to be sent to auditor

Penalty on clerk

Commissioner's jurisdiction.

“§ 5. The jurisdiction, powers, and duties of a commissioner shall not extend beyond the bounds of his district, except to grant license to exercise a privilege which is not local, and which may be exercised in or out of such district, according to existing laws.

Commissioner's jurisdiction

Assistant commissioner.

“§ 6. A commissioner, unable from sickness or other cause to perform the duties of his office, may, at his own expense, with the consent of the county or corporation court employ a person (approved by the court) to assist him. Such assistant, after taking the proper oaths, may discharge any of the duties of commissioner, and the principal and his sureties shall be liable for the faithful performance of such duties.

Assistant commissioner

Communications from auditor to commissioners and the courts.

“§ 7. It shall be the duty of the auditor of public accounts to prepare and forward to the commissioners of the revenue, printed forms of the land and property books; and he shall also, by letter or printed circular, give such instructions to said commissioners, in respect to their duties, as to him shall seem judicious. If any commissioner shall refuse to obey the auditor's instructions, he shall forfeit a sum not less than thirty dollars nor more than fifty dollars. The expense of such books, circular, and postage of all communications to and from a commissioner, and from one commissioner to another, on the business of his office, shall be defrayed out of the treasury.

Communications from auditor to commissioners

Penalty on commissioners

Expense of books; how paid

Auditor may remove commissioner, and fill vacancy

"§ 8. The auditor of public accounts for misdemeanor or neglect, or incapacity of any commissioner, may remove him from office; and vacancies from any cause in the unexpired time may be filled by the auditor.

Books and papers of predecessor.

Books and papers of predecessor

"§ 9. The commissioner shall apply for the official books and papers which his predecessor had to the person in possession thereof, who shall deliver the same on such application. Such person failing or refusing to deliver such books and papers when application shall be made for them as aforesaid, shall forfeit one hundred dollars.

Substitutes therefor

"§ 10. The auditor upon being informed that any such official books or papers cannot be obtained, may authorize the commissioner to procure substitutes therefor. Any clerk furnishing the same may be paid therefor such fees out of the treasury as he might by law charge an individual for similar services.

What real estate shall be taxed.

What real estate shall be taxed

"§ 11. All real estate, except such as may be exempted by the next succeeding section, shall be subject to such annual taxation as may be prescribed by law, and a lien shall exist on such real estate for the payment of the taxes imposed thereon.

Improvements, or destruction of same

The value of lands and lots as now ascertained, and the ascertained value of new grants which may hereafter be entered and assessed, shall be permanent, and shall not be changed except to allow the addition of the value of improvements, or a total or partial deduction of the value of such improvements.

Real estate exempt from taxation; exception.

Real estate exempt from taxation

"§ 12. All real estate used for the erection of churches or for divine worship, and for a parsonage or for a public library, not exceeding the quantity allowed by law to be held for such purpose; public burying-grounds, appropriated and not for sale; or real estate belonging to any county, city, or town, or masonic or odd-fellows, or like benevolent associations, and used for public or charitable purposes; or belonging to incorporated colleges and academies, and to free schools, theological seminaries, and library companies, or used for college or school purposes; or to the University of Virginia; the Virginia military institute; to the institution for the education of the deaf, and dumb and the blind; to the lunatic asylums; to orphan asylums; to the Ladies' Mount Vernon association; exclusively to the commonwealth; armories belonging to military organizations organized by the laws of this state and used exclusively for military purposes; and all such estate used exclusively for the safe keeping of fire engines and for the meeting of fire companies, whether owned by a fire company or by a city or town, shall be exempt from taxation: provided, however, that nothing herein contained shall be construed to exempt from taxation any lot or building partially or wholly

Exception

used for any private purpose unless the profits arising from such use are applied to public, charitable, benevolent, or literary purposes.

When a commissioner shall commence his assessment.

“§ 13. Each commissioner shall commence annually on the first day of February, or at such time as the auditor shall designate, and proceed without delay to ascertain all the real estate in his district, and the person to whom the same is chargeable with taxes on that day, and the township in which the same or the greater part thereof is located. Assessment; when commenced

What a commissioner shall do before making out his land book.

“§ 14. Each commissioner, before making out his land book (and when he takes the list of taxable personal property), shall carry with him the last land book that may be had, and the entry of lands charged to any person resident or having an agent within his district, shall be shown to such person, or his agent, who shall be required to state on oath whether the same be correctly entered; whether any part thereof ought to be transferred to any other person, and if so, to whom, and the nature of the evidence to authorize such transfer; also, to state whether any other land within the district ought to be charged to such resident or non-resident, and to describe the same, as well as to give a description of any of the lands charged to such resident or non-resident, which may not be correctly entered. And the commissioner, upon obtaining such information, shall verify the same by the records of his county or corporation, and if the same be found correct, he shall change the entries in his land-book accordingly. Any such resident or agent failing to comply with such requisition, shall forfeit fifty dollars. Any commissioner failing to comply with this section shall forfeit one hundred dollars. What commissioner shall do before making out his land book Penalty

Lists furnished by clerks and register to commissioner.

“§ 15. The clerk of the court of every county and corporation, shall annually, on or before the fifteenth day of January, make out a list of all deeds for the partition and conveyance of land (except deeds of trust and mortgages made to secure the payment of debts) which may have been admitted to record in the clerk's office of such court within a year, ending on the thirty-first day of December preceding, which list shall state the date of the deed, when admitted to record, names of grantors and grantees, the quantity of the land conveyed, the specified value thereof, and a description of the same. List of deeds furnished to commissioner

“§ 16. The clerk of every circuit, county, and corporation court shall make out a list of all judgments and decrees for the partition or recovery of lands which may have been rendered, and of all lands absolutely devised by wills which may have been recorded in such court within the same and the next pre- Partition Devises

What list shall state	ceding year; which list shall state the date of the decree, the land which is the subject of the partition, and between whom and in what proportion it is divided, and the date of the will containing the devise, when admitted to record, names of the devisor and devisee, and a description of the land devised.
List to be transmitted to auditor	"§ 17. Every list mentioned in either of the two preceding sections, shall, immediately after the fifteenth day of January, be transmitted to the auditor of public accounts, and a copy thereof be delivered by the clerk to the commissioner for his county or corporation; or, if there be more commissioners than one, the clerk shall deliver to each a copy, or at least of so much thereof as relates to lands within the district of each.
Copy to commissioner	If any clerk shall fail, for one month after the expiration of the said year, to perform any of the duties required of him by this section, or either of the two next preceding sections, he shall, for such failure, forfeit one hundred dollars.
Penalty	"§ 18. If any estate of a decedent shall, under his will or by descent, pass to any person other than to his lineal descendants, or his father, mother, husband, wife, brother, sister, nephew, or niece, or to or for their use, the clerk of the court in which the will is recorded, and the clerk of the court of the county or corporation in which such estate is situate, or in which the persons, or any of them taking the same, reside, upon ascertaining the fact, shall report the same to the proper commissioner of the revenue. On such estate the commissioner shall, in addition to the annual tax, charge a specific tax to the person or persons taking under the will or by descent, as aforesaid.
Where estate passes to other than lineal descendants	"§ 19. An abstract shall be made out for the auditor of public accounts, and for each county or corporation, of all grants issued from the land office within the two years aforesaid for lands therein. The register shall direct every such abstract, other than that for the auditor, to the commissioner of the revenue for the proper county or corporation; and where, in any county, there are more commissioners than one, the register shall direct a copy of the abstract for such county to the clerk of the county court for each commissioner therein.
Specific tax	The same shall be directed to the proper courthouse, and mailed within one month after the expiration of the said two years; and the register shall pay the postage and receive credit therefor in his settlement with the auditor.
Abstract of grants from land office	"§ 20. Any person interested may also procure, at his cost, a statement of any such grant, judgment, decree, or devise, and deliver the same to the proper commissioner.
Copies for the auditor and commissioner	
How directed, &c.	
Party interested may procure copy	

Form of land book.

Form of land book	"§ 21. The commissioner shall make out his land book in such form as the auditor of public accounts may prescribe; and the auditor shall so arrange such book that it may show in one table the tracts of land, and in a separate table the town lots and the township in which they are located, as follows, to wit:
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What is to be shown in the table of tracts of land.

“ § 22. In the table of tracts of land, the commissioner shall enter each tract separately, and shall set forth, in as many separate columns as may be necessary, the name of the person who by himself or his tenant has the freehold in possession, his place of residence, the nature of his estate, whether in fee or for life; the number of acres in the tract, the name of the tract, if it has a name, and a description of it, with reference to contiguous tracts, or to the water courses, mountains, or other places on or near which it lies, the distance and bearing from the courthouse, the value of the land per acre, including buildings; the value of the lands and buildings, the sum included in the value on account of buildings, the amount of tax on the whole tract at the legal rate, and from whom, when, and how the owner derived the land, where this is known, with a note and explanation of any alteration made, showing why and upon what authority it was made.

What shown in table of tracts of land

What is to be shown in table of town lots.

“ § 23. In the table of town lots he shall enter separately each lot, and shall set forth, in as many separate columns as may be necessary, the name of the person, his residence and estate, as in the table of tracts of land.

Table of town lots

“ The commissioner shall set forth in other columns the number of each lot in the town, with the name of the town, if not previously placed in the caption or heading of the table; a description, where the person does not own the whole lot, of the part which he owns, the value of the buildings on the lot, the value of the lot, including buildings, the amount of tax at the legal rate, and like notice of the source of the title and explanation of alterations, as in the table of tracts of land.

What changes in commissioner's land books shall be made.

“ § 24. Such changes as may happen within the district of any commissioner, shall be noted by him in his land book; and for each failure to make explanatory notes of such changes, and showing why and upon what authority such change was made, the commissioner shall forfeit not less than twenty dollars, nor more than one hundred dollars, and in addition thereto, may have his pay suspended until such notes are so made.

Changes in land books
Penalty

“ § 25. He shall enter in the said book and assess the value of all lands in his district, appearing by the register's abstract to have been granted. If he shall fail to enter any grant (mentioned in the register's abstract) on the first land book made out after the abstract shall have been received by him, he shall, for such failure, forfeit twenty dollars to the commonwealth, and a like sum to the grantee, which shall be recoverable in a separate proceeding.

All grants to be entered
Penalty

- Land purchased for common-wealth not to be entered in land book
How when re-deemed
When land sold for taxes
- " § 26. Real estate purchased for the commonwealth, at a sale for taxes, shall not be thereafter entered in the said book, but the auditor shall keep a register thereof. When, however, any real estate so purchased appears by the auditor's certificate to have been redeemed, the same shall be replaced in said book, in the name of the former owner or his grantee. When real estate is sold for taxes to individuals, the commissioner shall note on his land book the number of acres so sold, and to whom, but shall continue the whole tract of land upon his land book in the name of the former owner, until the purchaser obtains a deed therefor.
- Transfers
- " § 27. The lands appearing on the lists or statements mentioned in the seventeenth, eighteenth, and twenty-first sections of this act, shall be transferred accordingly on the land book, and charged to the person to whom the transfer is made or the grant has issued.
- When tract owned by several
- " § 28. When a tract or lot becomes the property of different owners in several parcels, the value at which the whole had been assessed shall be divided by the commissioner amongst the several parcels, having regard to the value of each parcel, compared with that of the whole tract or lot, and the tax upon the whole shall be apportioned accordingly amongst the owners of the different parcels. If any person interested shall be dissatisfied with such apportionment, he may apply to the commissioner to make a re-assessment, and the commissioner shall make the same according to the best of his skill and judgment. Any person feeling himself aggrieved by any such re-assessment, may apply to the court of the county or corporation to review the commissioner's decision, which court may affirm the commissioner's decision, or order it to be corrected. Ten days' notice shall be given in writing to the parties in interest, or such of them as may be in the county or corporation, before the commissioner shall proceed to make such re-assessment, or before such application shall be made to the court to review the commissioner's decision.
- Where person dissatisfied with assessment
Application to court
Notice
- " § 29. If the surface of land is held by one person, the minerals, mineral water or oil under the surface be held by deed in fee simple by another, the commissioner shall determine the relative value of each, and shall assess the respective owners with the value of their respective interests; but if minerals, mineral water or oil are being mined or worked, they shall not be assessed with taxes under the provisions of this section. If the surface and minerals, mineral water or oil be owned by the same person, and the minerals, mineral water or oil are being mined or worked, the commissioner shall ascertain the value of the land, exclusive of the minerals, mineral water or oil, by reference to the assessed value of contiguous lands for agricultural purposes, and assess the same at such ascertained value. The commissioner of the revenue shall make the assessment under the provision of the act entitled an act providing for the re-assessment of lands throughout the commonwealth, passed March tenth, eighteen hundred and fifty-six.
- Where surface owned by one, and minerals, &c., owned by another
Under what act assessment to be made

"§ 30. Every commissioner, in making out his land book, shall correct any mistake made in any entry therein; but land which has been correctly charged to one person shall not afterwards be charged to another without evidence of record that such charge is proper, except in cases arising under the provisions of the next succeeding section.

Changes in books; how made

"§ 31. When the owner dies intestate, the commissioner may ascertain who are the heirs of the intestate, and charge the land to such heirs. When the owner has devised the land absolutely, the commissioner may charge the land to such devisee. If, under the will, the land is to be sold, the land shall continue charged to the decedent's estate until a transfer thereof. While it continues charged to the estate, the personal property shall be liable for the tax on all so charged, and subject to distress or other lawful process for the recovery of the same. Any assets in the hands of the personal representative of the decedent shall be likewise liable therefor.

Where owner dies intestate

In case of devise

Where land is to be sold

What property liable for taxes

"§ 32. If land lying in one county, corporation, or district, be erroneously assessed in another, the commissioner on whose book it is erroneously assessed, shall certify the owner's name and the quantity, description, and value of the land to the proper commissioner, who shall enter the same on his book and charge the tax thereon, and the commissioner on whose book it was erroneously entered shall strike the same therefrom, upon being advised of the entry thereof by the proper commissioner.

Where lands are assessed in wrong county

"§ 33. Land lying partly in one county and partly in another, shall be entered by the commissioner of the county in which the greater part lies; but the entry and payment of taxes in the county where any part thereof is situated, shall, for such time, be a discharge of so much of the taxes as may be so charged and paid. When new buildings and enclosures other than farm fences are erected, of the value of one hundred dollars or more, upon that part of the land lying in the county in which it is not assessed, the commissioner on whose book it is entered shall assess and add the value of such buildings and enclosures, as in other cases.

Where lands lie in more than one county

Improvements

"§ 34. Where land which lies partly in one county and partly in another is assessed in the county in which the greater part lies, if the owner thereof shall convey that portion (or any part thereof) lying in the county wherein the same is not assessed, the commissioner of the revenue of the latter county shall enter upon his land book what is so conveyed, and certify the owner's name and the quantity, description, and valuation thereof to the commissioner of the county wherein the whole was before assessed, who shall strike the part so conveyed from his land book.

Where land lying in two counties is assessed partly in one and not in the other, and part is sold

"§ 35. When the commissioner shall ascertain that there is any patented land in his district which has not before been entered on his book, or, after being entered, has, from any cause, been omitted for one or more years, he shall make an entry thereof, and of the name of the owner, and if there be no reassessment of the value thereof, he shall proceed to make such assessment, to the best of his judgment, by reference to the

Patented land

assessed value of contiguous lands similarly situated, and shall charge on the land which he so enters, taxes at the rate imposed by law for each year in which the land was not before entered in such book, from the year eighteen hundred and thirty-two, inclusive, if the patent emanated before that time; and if it did not, then from the date of the patent, together with the lawful interest on each year's tax. Any commissioner failing to make any such entry and assessment, shall forfeit twenty dollars.

Penalty

Exceptions

"§ 36. The preceding section shall not, however, be construed to subject a bona fide purchaser of such land to the arrears of said tax, except from the date of his title thereto. Neither shall it be construed to release any lands west of the Alleghany mountains, which have been forfeited, or which may be liable to forfeiture, for not having been entered on the land book and charged with taxes prior to the said year eighteen hundred and thirty-two.

How old and new buildings assessed.

Old and new
buildings; how
assessed

"§ 37. The commissioner, before making out his land book, shall assess the value of any building and enclosure, not theretofore assessed, whether old or new, found to be of the value of one hundred dollars and upwards. The value thereof shall be added to the value at which the land was before charged.

When new
buildings to be
assessed

"§ 38. New buildings as aforesaid, shall not be assessed until they be so far finished as to be fit for use; but they shall then be assessed, whether entirely finished or not, at the same value as if they were finished upon the plan on which they were designed.

Repairs or addi-
tions

"§ 39. Any building and enclosure as aforesaid, which may have been increased in value to one hundred dollars or upwards, by repairs or additions thereto, shall be assessed in the same manner as if they were new.

When buildings
become worth-
less

"§ 40. When from natural decay or other cause, any building and enclosure as aforesaid, which may have been assessed, shall be either wholly destroyed or reduced in value below one hundred dollars, the commissioner shall deduct from the charge against the owner the value at which such buildings and enclosure may have been assessed, and if the value of the buildings has been impaired by violence, to an extent of one hundred dollars or upwards, the commissioner shall assess the said buildings in their present condition, and reduce the charge for the buildings in their present condition to the amount so assessed.

Abatement for
injury

How machinery in manufacturing and other mills charged.

Machinery in
mills; how
charged

"§ 41. The commissioner, in assessing the value of machinery and other fixtures to real estate in manufacturing or other similar establishments, shall ascertain the value of all such machinery and fixtures attached thereto, and include the aggregate value thereof as improvements on real estate, in the same manner and to the same effect as in the case of

**Machinery used
in mining, &c.**

Penalty

Commence- ment

Approved April 12, 1870.

One registrar for each township, ward and voting place, to be appointed by the county clerk.

**List of voters
who have died
since last regis-
tration**

When re-
tered v
chang
re-

§ 7 of registra-
tion act
amended

Lost naturalization papers

Registration books; how prepared and distributed

How arranged

a.

When new buildings to assessed

Repairs or additions

When buildings become worthless

Abatement for injury

Machinery in mills; how charged

and provided, also, that idiots and lunatics, persons convicted of bribery in any election, embezzlement of public funds, treason or felony, and any person who, while a citizen of this state, has, since the adoption of the present constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly conveyed the challenge, or assisted, in any manner, in fighting a duel, shall not be registered as voters: and provided further, that in the event that any person claiming to be a naturalized citizen of the United States shall not be able to establish the date of his papers, or the court in which they were issued, by reason of his having lost the same, or for any other cause, then his oath or affirmation to the fact that he has been duly naturalized, shall be accepted, and shall entitle him to register.

3. The secretary of the commonwealth shall cause to be prepared suitable books and blanks for the registration of voters, and shall forward them to the clerks of the county and hustings courts of the several counties, cities, and towns, to be by them distributed to the registrars of their respective townships, wards, and voting places. The books aforesaid shall be so arranged as to admit of the alphabetical classification of those registered, and shall be ruled in parallel columns, in which shall be entered the number, name of voter, the fact that he is sworn, his age, occupation, the place of residence at time of registration, the length of time of his residence in the county, city, or town. If in a city, stating the name of the street and number of house in which he resides, provided the same be numbered, the time of his residence in the state, and if naturalized, the date of his papers and the court by which issued, in case the same can be ascertained. The list of have white and colored, shall be kept and arranged in separate wards, &c.

same manner any registrar shall register the name of any person. § 40. Where he shall be satisfied of his qualification, as hereinafter provided, and enclosed; and all persons applying for registration shall be either registered, take and subscribe the oath one hundred dollars on constitution, which is as follows: charge against the solemnly swear (or affirm) that I am not dis- and enclosure may have the right of suffrage by the constitution buildings has been impertinent which assembled in the city of hundred dollars or upward of December, eighteen hundred said buildings in their presence will support and defend the same for the buildings in their presence which oath, so subscribed, shall assessed. preserved with the books of

How machinery in manufacturing this oath is understood to be sixth day of July, eighteen

“§ 41. The commissioner, in a machinery and other fixtures to real estate upon the duties of other similar establishments, shall as an officer authorized by such machinery and fixtures attached office prescribed in the aggregate value thereof as improver or affirmation he shall the same manner and to the same of the county or hustings.

court of his county or corporation. He shall receive a compensation of three dollars for each day actually employed, to be paid out of the county or corporation treasury.

6. No person who acts as registrar shall be eligible to an office, to be filled by election by the people, at the next election thereafter.

Registrar not to be eligible to office

7. Each registrar shall annually, on the fourth Tuesday in April, at his voting place, proceed to register the names of all the qualified voters within his voting district, not previously registered in his said district, in accordance with the provisions of this act, who shall apply to be registered, commencing at sunrise and closing at sunset of each day, and shall complete such registration within five days thereafter: provided, however, that at the first registration under this act, seven days shall be allowed to complete such registration. Fifteen days previous to any state, county, or township election, the registrar shall sit two days for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered, may be added. The registrars shall give notice of the time and place of all registrations, for at least ten days before each sitting, by posting written or printed notices thereof at five or more public places in their townships, wards, and election districts. It shall be the duty of the registrars, within ten days after the completion of any general registration of voters under this act, to have posted at three or more public places in their townships, wards, and election districts, written or printed lists of all persons admitted by them to registration.

When registration to be made and completed

When lists amended

Notice of registration

Copies of lists to be posted publicly

8. Be it further enacted, That the clerk of the county court and hustings court shall, at each registration after the first, deliver to each registrar in his county or city a list of all voters who have died or who have been convicted of felony since the last registration, and it shall be the duty of the registrar to correct his list in accordance with the list thus furnished before proceeding with the registration.

List of voters who have died since last registration

9. Whenever a registered voter changes his place of residence from one voting district to another, it shall be lawful for him to apply for, and it shall be the duty of the registrar of his former voting district, whether it be in a township, ward, or voting place, to furnish a certificate that he was duly registered, and that his name has, since his removal, been erased from the registration books of said voting district, which shall be sufficient evidence to entitle him to register, and a seventh of every such person shall be entered upon the register, a general book of the township, ward, or voting place to be kept by the registrar, as to read as

When removed or changed residence

7 of registration act amended

10. When any vacancy shall occur in the office of the judge of the county or hustings court shall, on the fourth Tuesday at any time to fill the same, and if, from any cause, the names of the registrar shall be unable to discharge the duties of the office, the judge shall have power to appoint one to be registered, commencing at sunrise and closing at sunset of each day, and shall

When common-wealth's attorney may act in place of the judge

11. If, after the first appointment of registrars, there be no county or hustings judge; or from any cause it be improper for him to make the appointment of registrars, or hear, and determine the causes of appeal provided for in this act, all the powers and duties herein conferred on said judge shall be discharged by the commonwealth's attorney for such county, city or town.

Appeal from registrar

12. If any person shall offer to register and shall be rejected by the registrar, he may take an appeal to the judge of the county or hustings court of his county, city, or town, in term time or vacation; and any elector may challenge the right of any person offering to register, and if the registrar shall allow such challenged person to register, the said elector may appeal, in like manner, to said judge. And it shall be the duty of the registrar, on application of any person so desiring an appeal, to transmit to the judge of the said court having jurisdiction over the said voting place, a written statement of the ground relied on by the appellant, and the reasons relied on by the registrar for his action.

Challenges

Statement to be transmitted to judge

How appeal heard

It shall be the duty of said judge to hear evidence offered by the said appellant and appellee; but in case the appeal is by an elector, contesting the right of any person so registering, such person shall have reasonable notice of the time and place of hearing said appeal; and the said judge shall, at least five days previous to any election, transmit to the registrar from whose action such appeal was taken, his decision, which shall be entered by the registrar on his registration books. In any case of appeal under this section, the court may give or refuse costs as to it may seem right.

Registration books delivered to commissioner of elections Where deposited

The registrar, at each place of voting, shall deliver to the commissioner of election his registration book previous to any election to be held at said voting place; and after each election, the commissioners of election shall deposit the registration books with the clerk of the respective townships for safe keeping; and the said registration books shall, at all times, be open to inspection.

becomes

a copy of the

Abatement for injury

13. Every registrar shall preserve order at and in the vicinity of the place of registration; and to enable him to do so, he shall be clothed with all the powers of a conservator of the peace whilst engaged in the discharge of his duties.

14. Any registrar who shall wilfully or maliciously reject registration, or corruptly register any person contrary said provisions of this act, shall be deemed guilty of a misdemeanor, on conviction thereof, shall be fined not less assessed.

more than one hundred dollars, and shall be confined to county or city jail not less than three nor five months; but no registrar shall be held or of judgment in the discharge of his duties.

Machinery in mills; how charged

§ 41. The cor or other person who shall illegally change, destroy any books or lists of registration, other similar establishment of a misdemeanor, and on conviction such machinery and find pay a fine of not less than fifty nor aggregate value thereof in the same manner and

more than five hundred dollars, and shall be imprisoned in jail not less than three nor more than twelve months.

16. Any person who shall wilfully, knowingly, or corruptly swear falsely in any matter connected with registration, shall be deemed to be guilty of perjury, and shall be confined in jail one year, and be fined not exceeding one thousand dollars; and in any prosecution for swearing falsely, in taking the oath of a voter, prescribed in this act, the certificate of the registrar before whom such oath was taken, shall be prima facie evidence of the taking such oath. False swearing

17. The common council or board of trustees of each city or town having more than five thousand inhabitants, shall appoint for each ward as many voting precincts as they may deem necessary, and shall prescribe and cause to be published the boundaries of such precincts, and no voter shall cast his ballot save at the voting place of the precinct wherein he lives. Voting places in wards of cities or towns; how appointed

The council or board of trustees shall cause to be made, under the superintendence of the registrar or registrars for each ward, a separate list of all the voters in each precinct of said ward, which list shall be made in a book, such as is provided in the third section of this act, and shall contain the particulars therein prescribed, and the said list shall be delivered to the commissioner or commissioners of election in such precinct before any election to be held at said precinct. Separate lists in each ward

And the said common councils or boards of trustees shall appoint registrars in their respective cities or towns in all cases in which no appointments shall have been made, because of the failure of the judge to qualify. What they shall contain

18. All acts repugnant to or inconsistent with this act, are hereby repealed. When council or trustees shall appoint registrars

19. This act shall be in force from its passage. Inconsistent acts repealed

Commencement

CHAP. 47.—AN ACT to Amend and Re-enact Section Seven of the act approved April 12th, 1870, entitled an act to Provide for a General Registration of Voters.

Approved April 13, 1870.

1. Be it enacted by the general assembly, That the seventh section of the act entitled an act to provide for a general registration of voters, approved April twelfth, eighteen hundred and seventy, be amended and re-enacted so as to read as follows: § 7 of registration act amended

“§ 7. Each registrar shall, annually, on the fourth Tuesday in April, at his voting place, proceed to register the names of all the qualified voters within his voting district, not previously registered in his said district, in accordance with the provisions of this act, who shall apply to be registered, commencing at sunrise and closing at sunset of each day, and shall

complete such registration within five days thereafter: provided, that the annual registration, for the year eighteen hundred and seventy, shall commence on the first Tuesday in May, and be completed within seven days. Fifteen days previous to any state, county, or township election, the registrar shall sit two days, for the purpose of amending and correcting the list, at which time any qualified voter, applying and not previously registered, may be added: provided, that the registrar shall sit for this purpose the two days next preceding the election which is to be held on the fourth Thursday in May, eighteen hundred and seventy. The registrars shall give notice of the time and place of all registrations, for at least ten days before each sitting, by posting written or printed notices thereof at five or more public places in their townships, wards, and election districts. It shall be the duty of the registrars, within ten days after the completion of any general registration of voters under this act, to have posted, at three or more public places in their townships, wards, and election districts, written or printed lists of all persons admitted by them to registration."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 48.—An ACT to Amend and Re-enact the Third Section of an act in relation to Commissioners of the Revenue, in force the 8th day of April, 1870.

Approved April 15, 1870.

§ 3 of act in re-
gard to commis-
sioners of reve-
nue amended

1. Be it enacted, That the third section of an act entitled an act in relation to commissioners of the revenue, in force the eighth day of April, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

"§ 3. Every person appointed commissioner shall, within sixty days thereafter, and before entering upon the duties of his office, before the court of the county or corporation wherein he was appointed, take the several oaths required by law, and give bond, with sufficient security, in a penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be made payable to the commonwealth of Virginia; and after being acknowledged in open court, shall be entered of record in such court. If any commissioner shall fail to take such oaths and give such bond within the time herein prescribed, his office shall be deemed vacant, and it shall be the duty of the court of the county or corporation to declare the vacancy, and certify the same to the auditor of public accounts. The qualification, unless to fill a vacancy of part of the term of his predecessor, shall not be construed to invest such commissioner with authority to act as such before the time appointed for him to enter upon the discharge of the duties of his office. If appointed to fill a vacancy, the commissioner shall qualify within thirty days after the day of appointment: provided, however, that the commis-

Proviso

sioners first appointed, as provided in this act, may take the oaths and give the bonds hereinbefore required before the judges of the respective courts of their counties or corporations, either in term or in vacation."

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 49.—JOINT RESOLUTION declaring that Members of the General Assembly are entitled to Mileage for the Session commencing on the 8th of February, 1870.

Approved April 16, 1870.

Resolved (with the concurrence of the house of delegates), That the members of this general assembly are entitled to mileage, at the rate of twenty cents per mile, for travel to and from its place of session, for the session commencing on the eighth day of February, eighteen hundred and seventy.

Mileage for pre-
sent session

CHAP. 50.—An ACT for the Relief of the Sureties of William Sample, late Sheriff of Russell County.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That authority be given to the auditor of public accounts to suspend the collection of a judgment in the name of the commonwealth against William Sample, late sheriff of Russell county, and Aaron H. Nash, Samuel H. Nash and others, his sureties, until the first day of December next, provided he shall be satisfied that the same is sufficiently secured by the judgment lien; but nothing herein contained shall be construed to prohibit the auditor from collecting the debt whenever he may think proper to do so.

Auditor author-
ized to suspend
collection of
judgment

Auditor may
collect the debt
whenever he
thinks proper

2. The auditor of public accounts is authorized, and hereby required, upon the settlement of the aforesaid judgment, to receive from said sureties, in discharge of said judgment against said sureties, payment of the principal, legal interest, costs, and expenses of collection, abating therefrom the damages which have been awarded for said default.

Damages to be
abated

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 51.—An ACT providing for Advance Payment of Annuity to the Virginia Military Institute.

Approved April 16, 1870.

Auditor authorized to issue warrant in advance for annuity to Virginia Military Institute

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized to issue his warrant or warrants on the treasury in advance, for the annuity of fifteen thousand dollars, payable to the Virginia Military institute during the fiscal year beginning the first of October, one thousand eight hundred and seventy, in such sums, and at such times, as the governor shall certify that the same may be paid without detriment to the public interests; such payments to be in discharge pro tanto of said annuity for said year.

Commencement

2. This act shall be in force from its passage.

CHAP. 52.—An ACT amending an act making Appropriation to the University of Virginia, passed February 1866.

Approved April 16, 1870.

Appropriation for University of Virginia

1. Be it enacted by the general assembly, That the first section of the act passed February twenty-third, one thousand eight hundred and sixty-six, entitled an act making appropriation to the University of Virginia, be amended and re-enacted so as to read as follows:

“§ 1. The annuity of fifteen thousand dollars to the University of Virginia shall hereafter be payable out of any money in the treasury not otherwise appropriated.”

Commencement

2. This act shall be in force from its passage.

CHAP. 53.—An ACT for the relief of John M. Fant.

Approved April 16, 1870.

Relief of John M. Fant

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby directed to issue his draft on the treasury in favor of John M. Fant, of Fauquier county, for the sum of forty dollars, the amount of tax paid by him on a license to distil ardent spirits, issued in the year eighteen hundred and sixty-seven, and which was paid into the treasury, and which license he was prevented from using by the action of the authorities of the United States.

Commencement

2. This act shall be in force from its passage.

CHAP. 54.—An ACT for the Relief of Francis V. Sutton, Sr., of the city of Richmond.

Approved April 16, 1870.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated by law, in favor of Francis V. Sutton, Sr., of the city of Richmond, for the sum of one thousand three hundred and fifty-four dollars and seventeen cents, with interest thereon at the rate of six per centum per annum, from the twentieth day of February, eighteen hundred and sixty-eight, until paid, that being the amount of a judgment rendered in the circuit court of the city of Richmond on the twenty-seventh day of July, eighteen hundred and sixty-nine, in favor of the said Francis V. Sutton, Sr., against the auditor of public accounts.

Relief of Francis V. Sutton, Sr.

Judgment rendered in the circuit court of city of Richmond

2. This act shall be in force from and after its passage.

Commencement

CHAP. 55.—An ACT for the Relief of the Sureties of George W. Buttz, late Sheriff of Prince George County.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That authority be given to the auditor of public accounts to suspend collection of a judgment in the name of the commonwealth against George W. Buttz, late sheriff of Prince George county, Edwin A. Batte, Daniel L. Sturdivant, George J. Rowland, and Thomas H. Daniel, his sureties, for a period not exceeding twelve months: provided he shall be satisfied that the same is sufficiently secured by the judgment lien; but nothing herein contained shall be construed to prohibit the auditor from collecting the debt whenever he may think proper to do so.

Relief of George W. Buttz, late sheriff of Prince George; auditor to suspend collection of judgment

Proviso

2. The auditor of public accounts is authorized, and hereby required, upon a settlement of the aforesaid judgment, to receive from said sureties in discharge of said judgment against said sureties, payment of the principal, legal interest, costs, and expenses of collection, abating therefrom the damages which have been awarded for said default.

Damages to be abated

3. This act shall be in force from its passage.

Commencement

CHAP. 56.—An ACT to Authorize a Sale of Manufactured Articles at the Penitentiary.

Approved April 16, 1870.

Preamble

Whereas, certain manufactured articles have been turned over by the former superintendent of the penitentiary into the hands of the present superintendent, to the amount of four thousand three hundred and forty-six dollars and sixty cents, which are not saleable at the prices affixed; therefore,

Superintendent authorized to sell certain manufactured articles

1. Be it enacted by the general assembly, That the superintendent sell the same, at auction, at the penitentiary, after advertising the sale for two weeks prior, to the day upon which it is to be held, in two newspapers published in the city of Richmond.

Terms of sale

2. The terms of the sale above mentioned, shall be cash for all sums less than fifty dollars; above that amount, a negotiable note for sixty days, with approved security. The funds shall be paid into the hands of the general agent and storekeeper of the penitentiary, to be by him appropriated towards the purchase of raw material needed at the institution: provided, however, that the commissions of the general agent and storekeeper of the penitentiary shall be only two and a half per centum on the amount of the sales.

Funds to be paid to general agent, and how appropriated

Proviso as to commissions

Commencement

3. This act shall be in force from its passage.

CHAP. 57.—An ACT for the Payment of Per Diem, &c., due the Commissioners appointed by the Governor in pursuance of the act passed February, 1870, for the Adjustment of the Public Debt, &c.

Approved April 16, 1870.

Auditor authorized to issue warrant for payment of commissioners to West Virginia

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant upon the treasury for the pay and mileage of the commissioners appointed by the governor of this commonwealth in pursuance of an act entitled an act for the adjustment of the public debt with the state of West Virginia, passed February eighteenth, one thousand eight hundred and seventy, out of any money in the treasury not otherwise appropriated.

Commencement

2. This act shall be in force from its passage.

CHAP. 58.—An ACT to incorporate the Richmond and Coalfield Railroad Company.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That Franklin Stearns, S. Brooks, H. C. Cabell, J. L. Archer, John J. Werth, C. C. McRae, G. H. Jewett, A. C. Pulliam, Jos. Walker, and W. H. Gwathmey, their associates or successors, shall be and are hereby created a corporation by the name of The Richmond and Coalfield Railroad Company, for the purpose of constructing a railroad from or near the city of Richmond to any portion of the coal fields in the counties of Powhatan and Chesterfield, and the said company shall not be required to commence the construction of the said road at either terminus, but may commence at any point or points between the proposed termini of the same.

Richmond and Coalfield Railroad Company incorporated

2. The said company shall have authority and are hereby empowered to connect their road (subject to the regulations of the Code of Virginia, 1860,) with the South Side railroad, the Richmond and Danville railroad, the Richmond and Petersburg railroad, and any other railroad hereafter to be constructed and terminating in or passing through the city of Richmond: provided, that the southern terminus of said railroad shall be north of the Clover Hill railroad. Said railroad hereby authorized to be constructed shall be made of a gauge not exceeding two and a half feet. The said corporation shall be invested with all the rights and privileges conferred, and subject to all the rules, regulations, and restrictions imposed by the Code of Virginia and the acts of the general assembly, applicable to internal improvement companies, now existing, or which may hereafter be enacted, except so far as the same may be inconsistent with the provisions of this act: and provided, that the completion of any section of five miles of railroad within two years from the organization of said company, shall be deemed a compliance with the provisions of this act and general laws affecting the subject, and shall secure to the said company all the rights and privileges herein conferred.

Connections

Proviso

Rights, privileges, and restrictions

When franchises shall commence

3. The said company shall have a capital stock of not less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, each stockholder being entitled to one vote in the meeting of the stockholders for every share of stock held by him; and the said company may borrow such money as may be necessary for the construction and proper equipment of its roads, at a rate of interest not exceeding that allowed by law, and execute liens upon its property and revenues to secure the payment of the principal and interest of the same.

Capital stock

Shares

May borrow money, and execute liens

4. Said company may elect such number of directors, and provide for the election or appointment of such officers and agents, as it may decide to be necessary for the management of its affairs.

Officers

5. This act shall be in force from the passage thereof.

Commencement

CHAP. 59.—An ACT to Incorporate the South-West Loudoun Turnpike Company.

In force April 16, 1870.

Commissioners
to open books

Route

Length of sec-
tions

When company
to be incorpo-
rated

Name and style

Maximum capi-
tal

Branch roads

Subscribers
may designate
to which section
their subscrip-
tion is to be ap-
plied
Proviso

1. Be it enacted by the general assembly, That it shall be lawful to open books at the following places in the county of Loudoun, namely: at Leesburg, under direction of John M. Orr, Fenton M. Henderson, George R. Head, George K. Fox, and Andrew J. Bradfield; at Clagett's Mill (Woodbourne), under the direction of A. H. Rogers, William Caruthers, Jonah Nixon, Benjamin F. Taylor, and Levi White; at Circleville, under the direction of Samuel N. Brown, John H. Simpson, Owen Hamilton, John Aldridge, and Samuel Simpson; at Philemont, under the direction of Henry Millholler, Joseph Nichols, and William Piggott; and at Mounts-ville, under the direction of F. M. Carter, John R. Carter, George B. McCarty, J. H. Benton, and William Gaines; at Bloomfield, under the direction of R. C. Littleton, Jesse Por-ter, Fenton Furr, Townsend Frazier, and Alfred M. Carter; at Union, under the direction of John A. Carter, J. Welby Carter, R. H. Dulany, W. A. Reeder, and John P. Dulany; at Lincoln, under the direction of Phineas Janney, Isaac Nichols, Aquilla Janney; and at Hamilton, under the direction of George W. Janney, Samuel Crockett, John Hughes, and Thornton Nichols, for obtaining subscriptions for the purpose of building a turnpike from Leesburg, in the county of Loudoun, to Rectortown station, on the Manassas Gap railroad, in Fauquier county, or any intermediate point that the company hereinafter named may designate, either temporarily or permanently: provided, that any two of the persons named at each place shall constitute a quorum for business.

2. Be it further enacted, That the sections shall be, as nearly as possible, five miles in length, and not to exceed five in number between Leesburg and Rector's Cross-roads: provided, that the first section shall end at A. M. Janney's mill.

3. Be it further enacted, That when ten thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be incorporated into a company under the name and style of The South-west Loudoun Turnpike Company, subject to the provisions of the Code of Virginia, except as herein provided, and that the ultimate capital stock of the company shall be not more than two hundred thousand dollars.

4. Be it further enacted, That said company is hereby authorized to build lateral or branch roads through Lincoln to Hamilton and Purcellville, and to Oatland Mills or the Leesburg and Aldie turnpike, and in any other direction not exceeding ten miles in length.

5. Be it further enacted, That the subscribers may designate at the time of subscription, to which section their subscriptions shall be applied, and that no portion of said subscriptions shall be applied to any portion of the road other than that named: provided, that the first instalment of two

dollars per share may be applied to surveys and other general expenses of the company.

6. Be it further enacted, That there shall be a president and six directors apportioned to the sections and lateral branches so that all classes of stockholders may be represented in the board, and that in case of the death, resignation, or other incapacity of a director, the board may elect a successor to serve until the next general meeting.

President and directors

How vacancy supplied

7. That said road shall be graded twenty feet wide, and shall be macadamized for one-half of its width, and the said road shall be constructed for a distance of five miles before any tolls can be lawfully demanded; that the grade of the road shall be not more than seven feet to the hundred, and the side ditches and culverts shall be so arranged as to keep the water off the road.

How graded and macadamized
When tolls may be demanded

8. Be it further enacted, That this company may, with the consent of the Leesburg and Aldie turnpike company, use its toll-gate for the first section, upon such terms as to division of tolls as shall be fair and equitable, it being understood that the first section of this shall end at A. M. Janney's mill.

Company may use toll gate of Leesburg and Aldie Turnpike Company

9. Be it further enacted, That said company, with the consent of the authorities of Loudoun county having charge of the county roads, may occupy any county road, county bridge or turnpike abandoned to the county lying along its route, or the route of any of its branches or lateral roads, and that the county of Loudoun, or any township in it, may subscribe to the capital stock of said road an amount not exceeding one-third for the whole county, or one-third of the cost, as to the township, of the road located within the said township; and for such purpose, may issue its bonds, said bonds not to be paid in any faster rate than private subscriptions shall be realized: provided, that the township of Leesburg may subscribe one-third of the cost of the section ending at A. M. Janney's mill: provided, that no toll shall be charged upon any abandoned turnpike used by said company, but said company shall not be compelled to keep said abandoned turnpike in repair.

What roads, bridges or abandoned turnpikes this company may use

Subscription of county of Loudoun, or any township

Said county, or the townships, may issue bonds therefor

Proviso

10. Be it further enacted, That this act shall be in force from its passage.

Commencement

CHAP. 60.—AN ACT in relation to the Sale, Use, and Disposition of Butts, Hogsheads, Barrels, Casks, and Kegs, used by the manufacturers of malt liquors.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That any person or persons engaged in the manufacture of malt liquors, for sale in butts, hogsheads, barrels, half-barrels, casks, half-casks, quarter-casks, or kegs, with his, her, or their name or names or other private marks, respectively, branded or stamped thereon, may file in the office of the clerk of the county or city court in which such articles shall be manufactured, a description of the names used, and other private mark or marks to be branded or

Manufacturers may file with county or city clerk description of brands, &c.

Said description
to be published

stamped thereon, and shall cause the same to be published once a week for six weeks successively in a newspaper published in such county or city, and in the city of Richmond, where such publications shall be made for the same time in two daily newspapers published in said city.

Illegally filling
such casks, or
mutilating,
destroying or
detaining the
same, declared a
misdemeanor

2. That any person, other than the lawful owner or owners referred to in the preceding section, who shall fill with malt liquor, or use, traffic in, dispose of, convert, mutilate or destroy, or wilfully or unreasonably refuse to deliver to such owner or owners, upon demand being made, any such vessel hereinbefore mentioned, so branded or stamped, or shall remove, deface, or obliterate said brands or stamps, or stamp other brands or stamps on the same without the permission of the lawful owner or owners thereof, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished, for the first offence, by a fine of ten dollars for every such vessel so filled, trafficked in, disposed of, detained, mutilated or destroyed, and by a fine of twenty dollars and imprisonment in the county or city jail for not less than one nor more than three months, for each and every subsequent offence, to be recovered in the same manner as fines are now recoverable, one-half for the use of the poor of the city or county where the offence shall have been committed, and one-half for the use of the officer who shall arrest such offender.

Penalty

Fine; how to be
disposed of

Search warrant;
how issued

3. Any such owner or owners, or the agent of such owner or owners, who shall make oath or affirmation before any justice of the peace or judge having jurisdiction in criminal matters, that he has reason to believe, (setting forth the fact upon which such belief is founded,) and does believe, that any of the above-named articles, belonging to him or them, so branded or stamped as aforesaid, or from which the brands or stamps have been cut off, removed, defaced, or obliterated, or which have been mutilated or wilfully detained, after demand has been made, by any person authorized to make such demand, or that any junk or cask dealer, or any other person or persons whomsoever, shall have any of the articles above described, unlawfully, in his, her, or their possession, or secreted on his, her, or their premises, or in any place under his, her, or their control, the said justice of the peace or judge shall thereupon, on proof of such demand having been made, issue a search warrant, directed to any constable or other proper officer, to search the premises or place where any such articles are alleged to be, particularly describing such premises or place; and if, upon search, any such articles shall be found, to take possession of the same and to bring the body of the person, in whose possession or control any such article may be found, before such justice of the peace or judge, to be tried as for a misdemeanor, under the regulations now provided by law for the trial of misdemeanor, and to be punished in the manner set forth in the second section of this act.

Officer to take
possession of
casks, and bring
offender before
justice or judge

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 61.—An ACT for the Relief of H. L. Hathaway and others, Sureties of C. C. Cundiff, late Sheriff of Lancaster county.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That H. L. Hathaway, Samuel Downing, E. E. George, John R. Chilton, Charles L. Carter, John D. Kennon, James T. Yerby, and John A. Rogers, sureties of C. C. Cundiff, late sheriff of Lancaster county, be and they are hereby relieved from the payment of three hundred and fifty-nine dollars and fifty-six cents, being the amount of damages awarded against them as sureties aforesaid, by a judgment of the circuit court of the city of Richmond, on the fourteenth day of November, eighteen hundred and sixty-seven, for default in payment of the revenue of said county: provided, that this act shall not be construed as relieving said C. C. Cundiff from payment of said damages, he being the party by whose misconduct the defalcation occurred.

Relief of sureties of Cundiff, late sheriff of Lancaster

Proviso

2. This act shall be in force from its passage.

Commencement

CHAP. 62.—An ACT for the Relief of Robert A. Coghill and others, Sureties of Robert W. Snead, late Sheriff of Amherst county.

Approved April 16, 1870.

1. Be it enacted by the general assembly, That the auditor of public accounts shall allow a credit to Robert A. Coghill for five hundred and nineteen dollars and seventy-three cents, with interest on four hundred and sixty-three dollars—a part thereof—from the first day of July, eighteen hundred and sixty-nine; and on fifty-six dollars and seventy-three cents, the residue thereof, from the seventeenth day of December, eighteen hundred and sixty-nine; on his bonds for two thousand two hundred and ten dollars, and one thousand five hundred dollars, respectively, dated seventeenth day of December, eighteen hundred and sixty-nine, payable to the commonwealth at six months from date; and for the purchase money of B. L. Taliaferro's interest in land, sold under an execution, issued upon a judgment of the circuit court of Richmond city, in the name of the commonwealth vs. Robert W. Snead, late sheriff of Amherst county, and Ro. A. Pendleton, George H. Dameron, S. M. Garland, Ro. A. Coghill, M. C. Goodwyn, A. C. Harrison, R. M. Taliaferro, B. L. Taliaferro, R. A. Higginbotham, Leo Daniel, Jr., John J. Schrader, A. W. Williams, Thomas Whitehead, and John S. Sandedge, his sureties—said sum being amount in excess of legal interest paid by him, as one of said sureties, on said execution.

Auditor authorized to allow a credit to Robert A. Coghill of an amount, being an excess of legal interest paid by him as one of the sureties of late sheriff of Amherst county

Sheriff and securities, except B. L. Taliaferro, relieved from damages

2. The said Robert W. Snead, sheriff as aforesaid, and R. A. Pendleton, George H. Dameron, S. M. Garland, R. A. Coghill, M. C. Goodwin, A. C. Harrison, R. M. Taliaferro, B. L. Taliaferro, R. A. Higginbotham, Leo Daniel, Jr., John J. Shrader, A. W. Williams, Thomas Whitehead, and John S. Sandedge, his sureties, excepting B. L. Taliaferro, are hereby relieved from payment of damages, awarded against them by said court for default in payment of the revenue: provided, that this act shall not be construed as relieving said B. L. Taliaferro from payment of said damages, he being the deputy sheriff, by whose misconduct the defalcation occurred.

Commencement

3. This act shall be in force from its passage.

CHAP. 63.—An ACT to Authorize the Governor to Appoint a Commission in Relation to the Sale and Removal of the Penitentiary.

Approved April 23, 1870.

Three freeholders authorized to be appointed as to sale of penitentiary and cost of new location

1. Be it enacted by the general assembly, That the governor be authorized and directed forthwith to appoint a commission of three freeholders, to ascertain what the present location of the penitentiary can be sold for, and what a new location can be obtained for, together with the advantages of the new location, and what it will cost to remove the present penitentiary buildings, or erect new ones, on a new site adapted to the wants of such an institution; and also to report, after full inquiry, the expediency of the sale and removal of the present penitentiary.

Pay of commissioners

2. The said commission shall receive the same compensation as is allowed members of the general assembly while in the actual discharge of their duties; and they shall report to the governor within thirty days after their appointment.

Commencement

3. This act shall be in force from and after its passage.

CHAP. 64.—An ACT to Authorize the Issue of Registered Certificates of State Stock to Wm. B. Blair, for Principal and Interest, in lieu of five lost Coupon Bonds.

Approved April 23, 1870.

Preamble

Whereas, it has been satisfactorily shown to the general assembly of Virginia, that five certificates of debt of the state of Virginia, the property of William B. Blair, a citizen of Virginia, for one thousand dollars each, numbered two thousand three hundred and thirty-two, seven thousand and seventy-five, eleven thousand one hundred and fifty-seven, eleven thousand three hundred and fifty-five, and eleven thousand five hundred and forty-eight, the interest on which had been paid to the first day of January, eighteen hundred and sixty-five, were lost in the county of Amelia, on or about the

twenty-second day of April, eighteen hundred and sixty-five, under circumstances rendering it certain that they were destroyed, and the said William B. Blair having advertised the loss and given notice thereof to the proper authorities of the state; therefore,

1. Be it enacted by the general assembly, That the second auditor be and he is hereby directed to issue five registered certificates of state stock, for the sum of one thousand dollars each, with interest from the first day of January, eighteen hundred and sixty-seven, in lieu of the certificates thus lost, conformably to the laws in relation to the issue of registered certificates of state stock; and that he also issue to the said William B. Blair certificates of state stock for the interest accruing prior to the first day of January, eighteen hundred and sixty-seven, on the said lost certificates and unpaid, according to the provisions of the act entitled an act to provide for funding the interest upon the public debt, passed March second, eighteen hundred and sixty-six: provided, however, that before the same shall be issued, the said William B. Blair shall file in the office of the second auditor a bond, payable to the commonwealth of Virginia, in the penalty of fifteen thousand dollars, with two or more sufficient sureties, to be approved by the governor of the commonwealth of Virginia, conditioned to indemnify the commonwealth and all persons against loss in consequence of the issuing of said certificates, or either of them, in place of the said lost certificates, or for the interest due thereon.

Second auditor authorized to issue registered certificates of state stock to William B. Blair

Indemnifying bond required

2. This act shall be in force from its passage.

Commencement

CHAP. 65.—An ACT in relation to the Collection of State, County, and Town Taxes and Officers' Fees.

Approved April 23, 1870.

1. Be it enacted by the general assembly, That it shall be lawful for the sheriffs and sergeants charged with the collection of the public revenue in their respective counties, cities, and towns, and who were in office on the twenty-sixth day of January, eighteen hundred and seventy, to continue to collect the same, and to levy and distrain for the same, as authorized by law, and also for county, city, and town levies and officers' fees: provided, however, that where said officer has not given the bond required by the first section of the act passed March fifth, eighteen hundred and seventy, he shall not be authorized to collect, levy, or distrain under this act until he shall have executed bond before the county court, in such sum, not less than twenty thousand dollars, as the judge thereof may require, with security deemed good by the court, payable to the commonwealth, and conditioned faithfully to account for and pay over all moneys which have been or may be collected by him.

Sheriffs and sergeants in office on the admission of the state, to continue to collect the taxes and levy for the same

Proviso

Where officer fails to give bond required, he shall deliver uncollected tax tickets to his successor

Auditor to credit such officer with amount of receipts

Officer receiving these tickets to account for same within four months
What credits are to be allowed for them

Time of payment into the treasury extended

List of insolvents

Commencement

2. Where any sheriff or sergeant shall fail to give the bond required by the preceding section, or by the first section of the act of March fifth, eighteen hundred and seventy, it shall be lawful for him to deliver his uncollected tax tickets for state revenue, and for county, city and town levies, to his successor in office, and take from him duplicate receipts for the state revenue and for county, city, or town levies separately; and it shall be the duty of the auditor of public accounts to credit such officer with the amount of such receipts for state revenue, when satisfied that such tickets were uncollected, and that none of the same were lost by his neglect or fault; and he shall require the officer receiving the same, to account therefor within four months from the time the same were received. And the proper authorities of counties, cities, and towns shall credit such officer with the amount of such receipts for county, city, or town levies, when satisfied that such tickets were uncollected, and that none of the same were lost by his neglect or fault, and they shall require the officer receiving the same to account therefor within four months from the time the same were received.

3. The time for the payment into the treasury of the last instalment of the public revenue for the year eighteen hundred and sixty-nine is hereby extended for the period of three months from the time the same ought to have been paid. And the said auditor shall allow credit for the list of insolvents for the tax of eighteen hundred and sixty-nine, if presented, duly certified, on or before the first day of August, eighteen hundred and seventy.

4. This act shall be in force from its passage.

CHAP. 66.—An ACT to Authorize the Governor to Hire out the Convicts in the Penitentiary for Work in Stone Quarries, or for other suitable labor.

Approved April 23, 1870.

Governor may hire out penitentiary convicts

Proviso

Shall provide for their safe-keeping

1. Be it enacted by the general assembly, That it shall be lawful for the governor of the commonwealth to hire out, as in his judgment may be proper, such able-bodied convicts in the penitentiary whose terms of service at the time of hiring do not exceed ten years, as can be spared from the workshops therein, to responsible persons to work in stone quarries, or upon any railroad or canal in this state, or for any other suitable labor: provided, however, that such convicts shall not be hired out for any purpose within the limits of the city of Richmond or any other city or town in the commonwealth: provided further, that in the hiring of said convicts no unjust discrimination shall be made with regard to race or color.

2. Be it further enacted, That it shall be the duty of the governor, in executing this act, to provide for the safe keeping and return to the penitentiary of convicts hired or employed

under the provisions of this act, and to use such measures as he may deem necessary to secure to convicts while so hired or employed, proper clothing, food, and treatment.

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 67.—An ACT Fixing the Pay and Mileage of Members of the General Assembly.

Approved April 23, 1870.

1. Be it enacted by the general assembly, That the president of the senate and the speaker of the house of delegates shall each receive the sum of ten dollars per day, and each of the other members of the general assembly the sum of six dollars per day for attendance upon the duties of their respective houses, to commence from the eighth day of February, eighteen hundred and seventy. Any member taken so sick during the session of the general assembly, or on his journey to the place of session, as to be unable to come to or sit in the house, or who shall have obtained leave of absence, shall receive wages for every day of the session he shall be so disabled or so absent, in the same manner as if he had sat in the house.

Pay of President of senate, and Speaker of the house
Pay of members

Sickness or inability to attend, or leave of absence

2. The members of the assembly shall be allowed mileage at the rate of twenty cents per mile for every mile of necessary travel to and from the place of session of the general assembly, to be computed according to the nearest mail route in use at the time such mileage shall be claimed.

Mileage

3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed

4. This act shall be in force from its passage.

Commence-
ment

CHAP. 68.—An ACT making an Appropriation for the Support of the Asylum for the Deaf and Dumb and the Blind, at Staunton.

Approved April 23, 1870.

1. Be it enacted by the general assembly, That the sum of fifteen thousand dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to supply a deficiency in the appropriation heretofore made, for the current year ending the thirtieth day of September, eighteen hundred and seventy, for the use of, and to defray the expenses of, the Institution for the Deaf and Dumb and the Blind, at Staunton, and the auditor of public accounts is hereby authorized to issue his warrants on the treasury in favor of the said institution, for the sum of seven thousand five hundred dollars upon the passage of this act, and for the further sum of seven thousand five hundred dollars on the first day of July, eighteen hundred and seventy, or as soon thereafter as he may be requested by the said institution.

\$15,000 appropriated for asylum for deaf and dumb, and blind

When to be paid

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 69.—An ACT to Provide a Crier for the Chancery Court of Richmond.

Approved April 29, 1870.

Crier for chancery court of Richmond	1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the chancery court of the city of Richmond to appoint a crier for that court, who shall perform all duties pertaining to the office of sheriff therein, except such as relate to the collection of taxes, levies, militia fines, and officers' fees. But the said crier shall not enter upon the discharge of his duties until he shall have given bond, in a penalty and with sureties, to be approved by the court, conditioned for the faithful discharge of his duties, and until he shall have taken the oath of office prescribed by law. Said crier and his deputies shall receive the same fees as are allowed by law to sheriffs for similar services.
His duties	
Bond and oath	
Fees	
Deputies	The said crier may, with the approval of the court, appoint as many deputies as may be necessary, the default or misfeasance of any of whom shall be a breach of the condition of the crier's bond.
Continuance in office	Said crier shall continue in office until the regular officer required by law to attend said court, shall be appointed or elected and qualified.
Commencement	2. This act shall be in force from its passage.

CHAP. 70.—An ACT to Amend and Re-enact Section Seven of the act approved April 12, 1870, entitled an act to Provide for the General Registration of Voters, and an act amendatory thereof, approved April 18, 1870.

Approved April 30, 1870.

§ 7 of registration act amended	1. Be it enacted by the general assembly, That the seventh section of the act entitled an act to provide for a general registration of voters, approved April twelfth, eighteen hundred and seventy, as amended by an act approved April thirteenth, eighteen hundred and seventy, be amended and re-enacted so as to read as follows, viz:
§ 7 Annual registration	"§ 7. Each registrar shall annually, on the fourth Tuesday in April, at his voting place, proceed to register the names of all the qualified voters within his voting district, not previously registered in the said district, in accordance with the provisions of this act, who shall apply to be registered, commencing at sunrise and closing at sunset of each day, and shall complete such registration within five days thereafter: provided, that the annual registration for the year eighteen hundred and seventy shall commence on the first Tuesday in May, and be completed within seven days. Fifteen days previous to any state, county, or township election, the registrar shall sit two days, for the purpose of amending and correcting the list, at which time any qualified voter applying, and not previously registered, may be added: provided, that the registrar shall sit for this purpose the two days next preceding the election which
Proviso	
Amending and correcting lists	
Proviso	

is to be held on the fourth Thursday in May, eighteen hundred and seventy. The registrars shall give notice of the time and place of all registrations for at least ten days before each sitting, by posting written or printed notices thereof at five or more public places in their townships, wards, and election districts. It shall be the duty of the registrars, within ten days after the completion of any general registration of voters, under this act, to have posted, at three or more public places in their townships, wards, and election districts, written or printed lists of all persons admitted by them to registration: and provided further, that in the counties, cities, and towns in which registration cannot be commenced at the time prescribed by the provisions of this section, it may be lawful to commence registration on the second Tuesday in May, eighteen hundred and seventy, without further notice, and likewise lawful for the registrar to sit without further notice the two days next preceding the election to be held on the fourth Thursday in May, eighteen hundred and seventy, for the purpose of amending and correcting the registration list, according to the provisions of this section."

Notice

Lists to be posted

Proviso Registration without further notice than this act

2. This act shall be in force from its passage.

Commencement

CHAP. 71.—An ACT to Amend and Re-enact the Eleventh Section of the act approved April 12, 1870, entitled an act to Provide for a General Registration of Voters.

Approved April 30, 1870.

1. Be it enacted, That the eleventh section of the act approved April twelfth, eighteen hundred and seventy, entitled an act to provide for a general registration of voters, be amended and re-enacted so as to read as follows, viz:

§ 11 of registration act amended

"§ 11. If any person shall offer to register, and shall be rejected by the registrar, he may take an appeal to the judge of the county or hustings court of his county, city, or town, in term time or vacation; and any elector may challenge the right of any person offering to register, and if the registrar shall allow such challenged person to register, the said elector may appeal, in like manner, to said judge; and it shall be the duty of the registrar, on application of any person so desiring an appeal, to transmit to the judge of the said court, having jurisdiction over the said voting place, a written statement of the ground relied on by the appellant, and the reasons relied on by the registrar for his action.

§ 11

"It shall be the duty of said judge to hear evidence offered by the said appellant and appellee; but in case the appeal is by an elector, contesting the right of any person so registering, such person shall have reasonable notice of the time and place of hearing said appeal; and the said judge shall, at least five days previous to any election, transmit to the registrar from whose action such appeal was taken, his decision, which shall be entered by the registrar on his registration books. In

any case of appeal under this section, the court may give or refuse costs, as to it may seem right.

In cities or towns the commissioners to deposit the registration books with the clerk of the corporation court

"The registrar, at each place of voting, shall deliver to the commissioner of election his registration book previous to any election to be held at said voting place; and after each election, the commissioners of election shall deposit the registration books with the clerk of the respective townships, or in the cities or towns, with the clerk of the corporation court thereof for safekeeping; and the said registration books shall at all times be open to inspection."

Commencement

2. This act shall be in force from its passage.

CHAP. 72.—An ACT to Amend and Re-enact Section Nineteen of Chapter Seven of the Code of Virginia (edition of eighteen hundred and sixty), in relation to Vacancies in the office of Judge.

Approved May 3, 1870.

Chapter 7, § 19, Code of Va., amended

1. Be it enacted by the general assembly, That section nineteen of chapter seven of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 19

Judge of city court of Staunton may qualify in ninety days

"§ 19. The office of judge shall be deemed vacant not only when he dies, resigns, or is removed from office, but also when he fails to qualify within thirty days next after he receives his commission: provided, however, that the judge elected at the present session of the general assembly of Virginia for the corporation court of the town of Staunton, may qualify at any time within ninety days from the date of his commission."

Commencement

2. This act shall be in force from its passage.

CHAP. 73.—An ACT to fix the times for Holding the Corporation Courts of the commonwealth.

Approved May 6, 1870.

Norfolk
Portsmouth
Petersburg
Lynchburg
Fredericksburg
Staunton
Alexandria

1. Be it enacted by the general assembly of Virginia, That for every corporation in which the power of holding courts has been or shall be vested by law, there shall be held monthly terms of the corporation court, and the days for the commencement of said terms shall be as follows, to wit: for the city of Norfolk, on the fourth Monday in each month; for the city of Portsmouth, on the second Monday in each month; for the city of Petersburg, on the third Thursday in each month; for the city of Lynchburg, on the first Monday in each month; for the city of Fredericksburg, on the second Thursday in each month; for the town of Staunton, on Wednesday after the first Monday in each month; and for the city of Alexandria, on the second Monday in each month.

2. The judge of every such corporation court may, from time to time, change the day for the commencement of the terms thereof, or any of them. The clerk of such court, within thirty days after such change, shall send a copy of the order making it to the clerk of the house of delegates, and if he fail to do so, shall forfeit fifty dollars. The judge of said court may also select the terms at which he will try criminal causes.

Judge may change day for commencement
Copy of order to be sent to clerk of house of delegates
Penalty
Criminal terms

3. All suits, motions, and other proceedings at law or in equity which are now pending in the county court of Alexandria, in which the parties thereto are residents of the city of Alexandria, shall be removed to the corporation court of the city of Alexandria, for further proceedings therein in the latter court.

Causes in county court of Alexandria to be removed to corporation court

4. This act shall be in force from its passage.

Commencement

CHAP. 74.—JOINT RESOLUTION in relation to the Purchase of Sycamore Church by the state.

Approved May 6, 1870.

Resolved (the senate concurring), That the superintendent of public buildings be instructed, with the advice and assistance of two members of this house and one member of the senate, to purchase at once the building known as Sycamore church, on the terms proposed by the owners, with this additional condition, that the reserved privileges of the Sycamore congregation shall not prevent the sale of said property by the state at any time that it may be found advisable to sell, should the state purchase the same: provided, the cost shall not exceed fifteen thousand dollars.

Purchase of Sycamore church

Provided

CHAP. 75.—An ACT to construe the Eleventh Section of act approved March 5, 1870, known as the Enabling Act.

Approved May 9, 1870.

Whereas, a doubt has arisen as to whether the commonwealth's attorneys of cities and towns are officers of the corporation courts or of the circuit courts of said cities or towns, and therefore whether the corporation judges or the circuit judges have the power of appointing said officers under the eleventh section of the act approved March fifth, eighteen hundred and seventy, known as the enabling act; therefore,

Preamble

1. Be it enacted by the general assembly, That the eleventh section of the act approved March fifth, eighteen hundred and seventy, entitled an act to enable officers now holding offices in Virginia, by military appointment or otherwise, to hold over, &c., shall be construed to confer the power of appointing the commonwealth's attorney for a city or town upon the judge of the corporation court of said city or town, and in the city of Richmond upon the judge of the hustings court thereof.

Under enabling act judge of city court to appoint commonwealth's attorney

2. This act shall be in force from its passage.

Commencement

CHAP. 76.—An ACT to Provide for a General Election.

Approved May 11, 1870.

General elections ; when to be held.

General elections ; when to be held

1. Be it enacted by the general assembly, That there shall be held throughout the state, on the fourth Thursday in May, and on the first Tuesday after the first Monday in November in each year, general elections for all officers required by law to be chosen at such elections respectively.

Special elections ; what and when held.

Special elections ; what and when held

2. Special elections shall be deemed to be such as are held in pursuance of a special law, and such as are held to supply vacancies in any office, whether the same be filled by the qualified voters of the state, or of any county, district, corporation, or township, and may be held at such time as may be designated by such special law, or the proper officer duly authorized to order such election : provided, that all vacancies which are about to occur in office by the expiration of the full term thereof, shall be supplied at the general election next preceding the time at which such term will expire.

Proviso

Term of office ; when to commence.

Term of office ; when to commence

3. The term of office of all state, district, and county officers chosen at a general election, shall commence on the first day of January next thereafter, except it be otherwise provided by the constitution or by this act.

Corporation and township officers

4. The term of office of all corporation and township officers chosen at a general election, shall commence on the first day of July next thereafter, except it be otherwise provided by the constitution or by this act : and provided, that the term of office of any person chosen at a special election to fill a vacancy in any public office, shall commence as soon as he shall qualify for the performance of the duties of the office to which he is elected, and shall be for the unexpired term of such office.

Term of office of person chosen at special election

Notice of elections ; how given.

Notice of election ; how given

5. It shall be the duty of the governor, whenever a special election is ordered by him, to issue his writs of election, designating therein all the offices to be filled at such election, the time such election is to be held, and transmit the same to the sheriff of each county, and the sergeant of each corporation in which such election is to be held, to be by such sheriff or sergeant published by posting copies thereof at each voting place in his county or corporation at least ten days before such election.

When special election is ordered

6. Whenever a special election is ordered to fill a vacancy in any office, the regular time for filling which is the annual May election, it shall be the duty of the officer ordering such elec-

tion, at least twenty days before such election, to issue his writ of election, directed to the sheriff of the county or sergeant of the corporation in which the election is to be held, designating therein the office to be filled, and the time and place of holding the same; upon receipt of which such officer shall proceed to cause public notice to be given of such election in the same manner as he is required in the preceding section: provided always, however, that a vacancy in any public office, from any cause whatever, may be filled at the next general election after such vacancy occurs, whenever so ordered. Provide

Officers; when chosen, and for what time.

7. The governor, lieutenant-governor, and attorney-general, shall be chosen by the qualified voters of the commonwealth, at the general election to be held in November of the year one thousand eight hundred and seventy-three, and every fourth year thereafter, and shall hold their offices for the term of four years. Governor, lieutenant-governor, and attorney-general; when chosen, and for what time

8. Electors of president and vice-president of the United States, shall be chosen at the general election in November (or such other day as congress may determine), of the year one thousand eight hundred and seventy-two, and every fourth year thereafter: provided, that upon the order for a special election of electors of president and vice-president of the United States, under the requirements of the federal constitution or laws of congress, the election shall be held on the day specified by the officer of the federal government whose duty it is to order such election. Electors of president and vice-president
Special election for same

9. Members of the house of representatives of the United States shall be chosen by the qualified voters of the respective congressional districts, at the general election in November of the year one thousand eight hundred and seventy, and every second year thereafter, for the term of two years. Members of house of representatives

10. Members of the house of delegates shall be chosen by the qualified voters of the respective counties, cities, towns, and representative districts, at the general election in November of the year one thousand eight hundred and seventy-one, and every second year thereafter, for the term of two years. Delegates

11. Senators in the general assembly, to succeed those whose term of office is about to expire, shall be chosen by the qualified voters of the proper senatorial districts at the same time the members of the house of delegates are chosen, and for the term of four years. State senators

12. Sheriffs, attorneys for the commonwealth, county treasurers and superintendents of the poor, shall be chosen by the qualified voters of the respective counties, at the general election in November of the year one thousand eight hundred and seventy, and every third year thereafter, and shall hold their offices for the term of three years. Sheriffs, commonwealth's attorneys, treasurers, and superintendents of poor

13. Clerks of the county and circuit courts shall be chosen by the qualified voters of the respective counties at the general election in November, of the year one thousand eight hundred and seventy, and every fourth year thereafter, and shall Clerks of courts

- Proviso** hold their offices for the term of four years: provided, that in counties containing less than fifteen thousand inhabitants, the clerk of the county court shall also be the clerk of the circuit court.
- Township officers** 14. In each township of the commonwealth, there shall be chosen by the qualified voters of the townships respectively, at the general election to be held in May, of the year one thousand eight hundred and seventy, and annually thereafter, one supervisor, one assessor, one township clerk, one collector, one commissioner of roads, and one overseer of the poor, who shall hold their offices for the term of one year.
- Justice of the peace and constable; their term of office** 15. In each township of the commonwealth there shall be chosen annually, at the general election in May, by the qualified voters of the respective townships, one justice of the peace and one constable, who shall hold their offices for the term of three years: provided, that at the general election to be held in May of the year one thousand eight hundred and seventy, there shall be elected three justices and three constables in each township, who shall hold their offices one, two and three years, respectively (the terms of each to be decided by lots cast by the commissioners of election).
- Proviso**
- Clerk of corporation court** 16. There shall be chosen by the qualified voters of each city and town in the commonwealth containing a population of five thousand inhabitants, at the general election in May of the year one thousand eight hundred and seventy, and every sixth year thereafter, one clerk of the corporation or hustings court, who shall also be clerk of the circuit court of such city or town, if there be a circuit court, who shall hold his office for the term of six years: provided, that in cities and towns containing a population of thirty thousand or more, there may be elected at the same time and for the same term, an additional clerk, who shall be the clerk for the circuit court of such city or town, if there be such court: and provided also, there shall be elected at the same time and for the same term, a clerk of the chancery court of the city of Richmond.
- Term of office**
- Proviso**
- Clerk of chancery court of Richmond**
- Mayor and other city officers** 17. There shall be chosen by the qualified voters of each city and town in the commonwealth containing a population of five thousand inhabitants, at the general election to be held in May of the year one thousand eight hundred and seventy, and every second year thereafter, one mayor, one commonwealth's attorney, one city or town sergeant, and one commissioner of the revenue, and as many councilmen or trustees as are now or may hereafter be allowed by law, who shall hold their offices for the term of two years.
- Term of office**
- City treasurer** 18. There shall be chosen by the qualified voters of each city and town of the commonwealth, containing a population of five thousand inhabitants, at the general election to be held in May, of the year one thousand eight hundred and seventy, and every third year thereafter, one city or town treasurer, as the case may be, who shall hold his office for the term of three years.

Elections to fill offices not specially provided for; when had.

19. In case the election to any public office, now or hereafter required by law to be filled by the qualified voters of any county, corporation, township, or voting district, shall not be specifically provided for by this or any subsequent act, then an election to such office may be had at the general election held next before the time provided by law for the term of such office to commence.

Elections for offices not specially provided for

20. All officers, whether elected or appointed under this act, shall continue to discharge the duties of their respective offices, after their terms expire, until their successors shall have qualified.

Officers to continue till successors qualify

Qualification of voters.

21. Every male citizen of the United States, twenty-one years old, who shall have been a resident of this state for twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, and who is a registered voter in and a resident of the election district in which he offers to vote, shall be entitled to vote upon all questions submitted to the people at such election: provided, that no officer, soldier, seaman, or marine of the United States army or navy, shall be considered a resident of this state by reason of being stationed therein; and provided also, that the following persons shall be excluded from voting:

Qualification of voters

First. Idiots and lunatics.

Exceptions, &c.

Second. Persons convicted of bribery in any election, embezzlement of public funds, treason, or felony.

Idiots, &c.

Persons convicted

Third. No person who, while a citizen of this state, has, since the adoption of the present constitution of this state, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote.

Duelling

Elections; when held.

22. In all elections by the people, polls shall be opened in all districts, counties, corporations, and townships, in which officers are to be elected, at each place of voting that is now or may be hereafter prescribed by law.

Elections; where held

Election districts; of what composed.

23. Each township in the several counties shall compose one election district, unless such township is now or hereafter may be divided by law into more districts than one, the election to be held at such place or places in such township or district as the board of commissioners appointed for that purpose (or the county court, when changes are hereafter made,) may direct; and each ward of any city or town that is now or here-

Election districts; of what composed

after may be divided into wards, shall compose one election district, unless such ward is now or hereafter may be divided by law into more districts than one, the election therein to be held at such place or places as the board of trustees or council of such city or town shall direct.

Judges of election; how appointed.

Judges of election; how appointed

Where judge fails to attend

Where all the judges fail to attend

When any three freeholders may act

Proviso

24. It shall be the duty of the county and corporation courts annually, at the April term thereof, to select and appoint three competent male citizens from each voting district in their respective counties or corporations, for each voting place therein, who, when so selected and appointed, shall constitute the judges of election for all elections to be held in their respective districts for the period of one year, dating from their appointment, and who shall have power to appoint two clerks for each place of voting at such election. And should any judge of election fail to attend at any place of voting for one hour after the time prescribed by law for opening the polls at such election, it shall be lawful for the judge or judges in attendance, to select from among the by-standers, one or more persons possessing the qualification of judges of election, who shall act as judge or judges of such election, and who shall have all the powers and authority of judges appointed by the proper court. Should all the judges appointed for any place of voting, fail to attend at the place of voting for one hour after the time prescribed by law for opening the polls at such election, it shall be the duty of any justice of the peace of the township in which the election is held, who shall be applied to for that purpose, or the mayor, if the election is in any election district in a town or city, to appoint three judges of election for such election district, who shall possess the same qualifications and have the same powers as judges appointed by the proper court. Should no judges of election be appointed for any county, city, or place of voting therein, or if appointed they neglect or refuse to act for one hour after the time prescribed by law for opening the polls at such election, it shall be lawful for any three competent freeholders of the district who may be present and willing to act, upon taking the oath prescribed for judges of elections, to proceed to hold, conduct, and certify the election in the manner provided in this act; and for that purpose, shall have all the powers and authority of judges appointed by the proper courts: provided, that the judges of the county and corporation courts, in term or vacation, shall have power to fill vacancies in such appointments in their respective counties and corporations whenever necessary to do so; and provided further, that the first appointment of judges of election under this act, may be made at any time previous to the twenty-sixth day of May, one thousand eight hundred and seventy, by the said county and corporation courts or the judges thereof in vacation.

Qualifications and oath of judges and clerks of election.

25. No person shall act as a judge or clerk of any election, who is a candidate for any office to be filled at such election. And before any judge or clerk of election enters upon the performance of any of the duties imposed upon him by this act, he shall take and subscribe an oath in the following form—
to wit: I, A B, judge (or clerk) of the election (as the case may be), do solemnly swear (or affirm) that I will perform the duties of judge (or clerk of the election, as the case may be,) according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election. So help me God. If there is no one present authorized to administer oaths, then the judges of election may administer to each other and to the clerks the oath above provided.

Qualification
and oath of
judges and
clerks of
election

Who may ad-
minister oath

Poll books; how furnished, and by whom.

26. It shall be the duty of the clerks of the several county and corporation courts, on the first of April and October in each year, to make out and transmit to the secretary of the commonwealth, a list of the number of voting districts in their respective counties and corporations, together with the number of voters in each voting district; upon the reception of which the secretary of the commonwealth shall transmit to the said clerks respectively, duplicate poll books or poll lists for each voting district in their respective counties or corporations, of sufficient size to contain the names of all the voters therein: provided, for the general election in May, eighteen hundred and seventy, the clerks of the several corporation and county courts shall procure and furnish the necessary poll books for their several corporations and counties, the cost of which shall be paid out of the said corporation or county treasuries.

Poll books;
how furnished

Provido

Form of poll books and certificates of judges.

27. The following shall be the form of the poll books to be kept by the judges and clerks of election under this act:
Poll books of the election held in the county of _____, in the township of _____ (city or town), in the year one thousand eight hundred and _____. A B, C D and E F, judges, and J H and J K, clerks of said election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

Form of poll
books and
certificates of
judges

Number and names of electors.

A. B.....	No. 1	E. F.....	No. 3
C. D.....	No. 2	G. H.....	No. 4

It is hereby certified that the number of electors at this election amounts

Attest:

G H, }
J K, } *Clerks.*

A B, }
C D, } *Judges.*
E F, }

Names of persons voted for, and for what office; containing the number of votes given for each candidate.

	Governor.	Lieutenant-governor.	Representatives in congress.	Representatives in state legislature.	
				Senate.	House of delegates.
Names of persons voted for, &c.	A.....1	C.....1	E.....1	G.....1	I.....1
	B.....1	D.....1	F.....1	H.....1	K.....1

We hereby certify that A had votes for governor, and B had votes for governor; that C had votes for lieutenant-governor, &c.

G H, }
J K, } *Clerks.*

A B, }
C D, } *Judges.*
E F, }

When polls to be opened and closed.

Polls; when opened and closed

28. At all elections held under this act, the polls shall be opened at each voting place at sunrise of the day on which the election is directed to be had, and closed at sunset of the same day.

Ballot boxes; how procured and kept.

Ballot boxes; how procured and kept

29. Township supervisors, and the trustees or councils of cities and towns, shall, at the expense of their respective townships and corporations, procure a ballot box for each place of voting in any election district destitute of the same, which box shall be provided with a lock and key, and have an opening through the lid of sufficient size to admit a single folded ballot, and no more. The said boxes shall be kept by the judges of election for the use of their several election districts respectively: provided, that the ballot boxes for the election to be held on the fourth Thursday in May, eighteen hundred and seventy, shall be furnished by the clerks of the respective county courts at the expense of their counties.

Polls; how opened, and by whom.

30. The judges of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that is in them, and then lock them, and the key thereof shall be delivered to one of the said judges, and said boxes shall not be opened except for the purpose of counting the ballots therein, at the close of the polls, and one of the judges shall forthwith proclaim that the polls are open.

Polls; how opened, and by whom

Voting; how done.

31. Every elector shall vote by ballot, and each person offering to vote shall deliver a single ballot to one of the judges of election, in presence of the other two judges. The ballot shall be a white paper ticket, and containing on the face or inside of it, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and designating the office to which each person so named, is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated to any office than there are persons to be chosen at the election to fill such office, and the names of all persons voted for by an elector shall be on one ballot.

Voting; how done

32. The judge to whom any ballot is delivered shall, upon receipt thereof, pronounce with an audible voice the name of the person from whom the ballot is so received, and if the name of the person is found on the registration book, and there be no objection made, the said judge shall, without opening said ballot, or permitting the same to be examined (except to ascertain whether it is a single ballot), endorse the number thereon corresponding to the number that the elector will have on the poll book, and deposit the same in the ballot box; whereupon the name of the elector shall be checked on the registration book by one of the judges, and entered by the clerks of election on the poll books and correctly numbered, in accordance with the number of electors theretofore recorded.

Voter's name to be proclaimed

Challenges; how made, and by whom.

33. Any elector may, and it shall be the duty of the judges of election, to challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Challenges; how made, and by whom

34. When any person is so challenged, the judges shall explain to him the qualifications of an elector, and may examine him as to his qualifications, and if the person insists that he is qualified, and the challenge is not withdrawn, one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years old, and that you have resided

Challenging oath

When his vote
may be refused

in this state for twelve months, and in this county (city or town) for three months next preceding this election; and that you are not disqualified from voting by the constitution or laws of this state; that your name is (here insert the name given), and that in such name you were duly registered as a voter of this election district, and that you are now an actual resident of the same, and that you are the identical person you represent yourself to be, and that you have not voted in this election, at this or any polling place. So help you God." And if he refuses to take such oath his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: provided, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote if they be satisfied, from record evidence, or their own knowledge, or other legal testimony adduced before them, that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. Whenever any person's vote shall be received, after having taken the oath prescribed in this section, it shall be the duty of the clerks of the election to write on the poll books, at the end of such person's name, the word "sworn."

How polls closed; vote canvassed; returns made.

How polls
closed

35. As soon as the polls are finally closed (of which closing proclamation shall be made by the judges fifteen minutes previously thereto), the judges shall immediately proceed to canvass the vote given at such election, and the said canvass shall be continued without adjournment until completed, and the result thereof declared.

Vote canvassed

36. The canvass shall commence by taking out of the box the ballots unopened (except so far as to ascertain whether each ballot is single), and counting the same to ascertain whether the number of ballots corresponds with the number of names on the poll books; and if two or more separate ballots are found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed. Then, if upon a comparison of the said count with the number of names of electors on the poll books, it appears that the two ballots thus folded together were cast by the same elector, they shall be destroyed. If the ballots in the ballot box are still found to exceed the number of the names on the poll books, then the whole of the ballots shall be replaced in the ballot box; and after the same shall be well shaken, the conductor, or one of the judges of the election, being blind-folded, shall draw therefrom a sufficient number of ballots to reduce the same to a number, equal to the number of names of electors on the poll books. The number of ballots thus being made to agree with the number of names on the poll books, the books shall be signed by the judges, and attested by the clerks, and the number of names thereon shall be set down, in words and figures, at the foot of the

How number of
ballots made to
agree with poll
books

Signing poll
books

lists of electors on the poll books, and over the signature of the judges and attestation of the clerks, in the manner and form prescribed by the twenty-seventh section of this act: provided, that whenever the number of ballots is reduced, by the destruction of fraudulent ballots, below the number of names of electors on the poll books, the cause of such reduction shall be stated at the foot of the list of electors on the poll books, before the signing and attesting the same by the judges and clerks respectively.

37. After the poll books are thus signed, the judges shall, (in the presence, if desired, of not exceeding two friends of each political party represented by the persons voted for in such election,) proceed to count and ascertain the number of votes cast for each person voted for; and the tickets or ballots shall be distinctly read, and as soon as read and canvassed, shall be strung by one of the judges on a string, and the clerks shall set down on the poll books, next after the certificate of the judges at the foot of the list of electors as the returns of the election, the name of every person voted for, written at full length, the office for which such person received such votes, and the number of votes he received; the number being expressed in figures, and also at full length in writing, in accordance with the form prescribed in section twenty-seven of this act; which said returns, when so made out, shall be signed and attested as provided in said twenty-seventh section of this act: provided, that no person other than the judges of the election shall handle the ballots.

38. If a ballot is found to contain a greater number of names for any one office than the number of persons required to fill the said office, the said ballot shall be considered void as to all the names designated to fill such office, but no further; but no ballot shall be void for containing a less number of names than is authorized to be inserted therein.

39. After canvassing the votes in the manner aforesaid, the judges, before they adjourn, shall put under cover one of the poll books, seal the same, and direct it to the county or corporation court clerk of the county or corporation (as the case may be) in which the election is held; and the poll book, thus sealed and directed, together with the ballots strung as aforesaid, enclosed and sealed, shall be conveyed by one of the judges, to be determined by lot, if they cannot otherwise agree, to the clerk to whom they are directed, on the day following the election; and the other poll book shall be deposited with the clerk of the township in which the election is held; or if in a town or a city having a corporation court, to the office of the mayor of such town or city, there to remain for the use of the persons who may choose to inspect the same. The clerk to whom the ballots are delivered as aforesaid, shall deposit the same in his office, without breaking the seal, where they shall be safely kept for twelve months; and he shall not allow the same to be inspected, unless in cases of contested elections, or unless the same become necessary to be used in evidence, and then only on the order of the proper court or officer.

Proviso

Counting and stringing ballots

Returns; how made

When ballot contains too many names

Poll books; how sealed and directed

Ballots; where kept, and how long

Not to be inspected except in certain cases

Vote; how canvassed.

Vote; how canvassed

40. It shall be the duty of the county and corporation courts, in the order appointing the judges of election for their respective counties and corporations, to designate five of the persons so appointed, to act as commissioners, three of which said commissioners, when so designated, shall constitute a board (of which the clerk of the court so appointing shall, ex-officio, be clerk), whose duty it shall be to meet at the clerk's office of the county or corporation for which they are appointed, on the second day after any election held therein, and proceed to open the several returns which shall have been made at that office. And the said commissioners shall determine the persons who have received the greatest number of votes in the county or corporation for the several offices voted for in such elections. Such determination shall be reduced to writing, and signed by said commissioners and attested by the clerk, and shall be annexed to the abstract of votes given for such officers respectively hereinafter provided for in the forty-second section of this act.

Who to receive certificate of election in case of county officers.

Who to receive certificate of election in case of county officers

41. In all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office; and whenever it shall appear that any person has received the highest number of votes for any office, he shall receive the certificate of election: provided, that if any two or more persons have an equal number of votes for any county, city, or town or township office, and a higher number than any other person, the commissioners aforesaid shall proceed to determine by lot, in the presence of the candidates, or their proxies, if desired, which of the candidates shall be elected.

Abstracts; how certified, and to whom forwarded.

Abstracts; how certified

42. As soon as the commissioners aforesaid shall have determined the persons who have received the highest number of votes for any office, the clerk shall make out abstracts of the votes in the following manner: First. The abstract of votes for governor and lieutenant-governor, on one sheet. Second. The abstract of votes for attorney-general, on one sheet. Third. The abstract of votes for member or members of the senate and house of delegates, on one sheet. Fourth. The abstract of the votes for a representative in congress, on one sheet. Fifth. The abstract of votes for electors of president and vice-president of the United States, on one sheet. Sixth. The abstract of votes for county officers, on one sheet. Seventh. The abstract of votes for township officers, on one sheet. Eighth. The abstract of votes for corporation officers, on

one sheet. Which abstracts, being certified and signed by said commissioners and attested by the clerk, shall be deposited in the office of the latter; and certified copies of abstracts, numbered one, two, three, four and five, (when said officers have been voted for at said elections) under the official seal of said clerk, shall be placed in separate envelopes, endorsed and directed to the secretary of the commonwealth, and forwarded immediately to the seat of government by mail; and the said clerk shall respectively endorse on the back of the envelope, in which the said certified copies are enclosed, "copy of the abstract of votes cast for governor, &c., members of the general assembly, (as the case may be) cast at the general election in _____ county, (or corporation) in _____ eighteen hundred _____"

To whom forwarded

43. The clerk shall immediately make out, in pursuance of the determination of the commissioners, a certificate of election for each of the persons having the highest number of votes for any county, corporation or township office, or, in case of a tie, who have been decided elected by lot, and deliver the same to the person elected, upon his making application therefor.

Certificate of election

When clerk absent, who to perform his duties.

44. Whenever it shall so happen that the clerk shall die, be absent, or from any other casualty be prevented from opening the returns of votes at any election, it shall be lawful for his deputy, or such other person as may for the time being be discharging the duties of clerk, to discharge the duties required of such clerk by law.

When clerk absent, who to act

State board of canvassers; how constituted.

45. The governor, secretary of the commonwealth, auditor of public accounts, state treasurer, attorney-general, or any three of them, shall constitute the board of state canvassers.

State board of canvassers

Secretary of the commonwealth to open returns.

46. The secretary of the commonwealth, upon receipt of the certified abstracts of the votes given in the several counties and corporations directed to be sent to him, shall proceed to open the same (except the abstract of votes for governor and lieutenant-governor), and shall record the same in a suitable book to be kept by him for the purpose, and shall file and carefully preserve in his office said abstracts and the original envelopes in which they were enclosed.

Secretary of commonwealth to open returns

Abstracts; how obtained when not forwarded, or when not received by mail.

47. If from any county, city or town, no such abstract of votes shall have been received within twelve days next after any election, by the secretary of the commonwealth, he shall dispatch a special messenger to obtain a copy of the same from _____

Abstracts; how obtained, &c.

the proper clerk; and such clerk shall immediately, on demand of such messenger, make out and deliver to him the copy required, which copy of the abstract of votes the messenger shall deliver to the secretary of the commonwealth without delay, to be recorded by him as aforesaid.

Election returns; how canvassed by state board.

Election returns; how canvassed by state board

48. For the purpose of canvassing the result of elections, the state board of canvassers shall meet at the office of the secretary of the commonwealth on the fourth Monday in November next after the election, when they shall, upon the certified abstracts on file in the office of the secretary of the commonwealth, proceed to examine and make statement of the whole number of votes given at any such election for attorney-general, members of the senate and house of delegates, representatives in congress, and electors of president and vice-president of the United States, or for so many of said officers as have been voted for at such election, which statements shall show the names of persons to whom such votes have been given for either of the said offices, and the whole number given to each, distinguishing the several districts, cities, towns, and counties in which they were given; they shall certify such statements to be correct, and subscribe their names thereto, and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices, or either of them, and shall endorse and subscribe on such statements a certificate of such determination, and deliver them to the secretary of the commonwealth.

How election ascertained when there is a tie.

How election ascertained when there is a tie

49. If any two or more persons have an equal number of votes and a higher number than any other person for attorney-general, member of the senate or house of delegates, member of congress, or elector of president and vice-president of the United States, the state canvassers shall proceed to determine by lot, in the presence of the candidates, which of the candidates shall be declared elected. Reasonable notice shall be given to such candidates of the time when such election shall be so determined; and if such candidates, or either of them, shall fail to appear in accordance with said notice, then the state canvassers shall proceed so to determine said election in the absence of the candidates.

Notice

Certificate of election; how issued for state offices.

Certificate of election; how issued for state officers

50. The secretary of the commonwealth shall record in a suitable book, to be kept by him in his office for that purpose, each certified statement and determination, as made by the board of state canvassers, and shall, without delay, make out and transmit to each of the persons thereby declared to be elected, except to the attorney-general, who shall be commissioned by the governor, a certificate of his election, and cer-

tified by him under his seal of office; and he shall also forthwith cause a copy of such certified statement and determination to be published in some newspaper published in the city of Richmond.

Returns of election of governor and lieutenant-governor; how opened.

51. Upon the first day of the session of the general assembly, the secretary of the commonwealth shall lay before each house a list of the members elected thereto; with the districts they represent, in accordance with the returns in his office. He shall also, on the first day of the session of the general assembly, next after a governor and lieutenant-governor are elected, deliver to the speaker of the house of delegates the election returns of governor and lieutenant-governor, who shall, within one week thereafter, in the presence of a majority of the senate and house of delegates, open said returns, and the votes shall be counted and the election determined in conformity with the provisions of the second section of article four of the constitution.

Returns of election of governor and lieutenant-governor; how opened

List of names of electors of president and vice-president, to be delivered to one of the electors.

52. The secretary of the commonwealth shall prepare a list of the names of the electors of president and vice-president of the United States, elected at any election, procure thereto the signature of the governor, affix the seal of the commonwealth to the same, and deliver such certificate thus signed, to one of said electors, on or before the first Wednesday in December next after such election.

List of electors of president and vice-president delivered to one of the electors

Electors of president and vice-president; when to convene.

53. The electors of president and vice-president of the United States shall convene at the capitol, in the city of Richmond, on the first Wednesday of December, after their election, or on such other day as congress may designate, at the hour of twelve o'clock at noon of that day; and if there be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill by ballot, and by a plurality of votes, such vacancy in the electoral college; and when the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States.

Electors of president and vice-president; when to convene, and where

Special elections; how and by whom superintended.

54. Special elections to fill vacancies in office shall be superintended and held, and notice thereof shall be given, returns made and certified, votes canvassed, results ascertained and made known, and commissions and certificates of election

Special elections; how superintended

given by the same officers, under the same penalties, and subject to the same regulations as prescribed for general elections, except otherwise provided in this act; and except, also, that in cases where there is a vacancy in the office of any officer who has some duty to perform in such election, the duties of such officer shall be performed by such other officer or person as shall be appointed for that purpose.

Vacancy in general assembly; how filled.

Vacancy in
general assembly;
how filled

55. A writ of election to fill a vacancy in the general assembly shall be issued by the governor, when the vacancy occurs by death or resignation during the recess of the general assembly, and by the speaker of the house of delegates, or president of the senate, as the case may be, when such vacancy happens during the session of the assembly: provided, that all vacancies now existing in the general assembly, or that may occur prior to the second Tuesday in May, in the year one thousand eight hundred and seventy, shall be filled at the general election to be held in May, in the year one thousand eight hundred and seventy, by virtue of writs to be issued by the speaker of the house of delegates, or president of the senate, as the case may be. Writs of election to fill vacancies in the representation of this state in the house of representatives of the United States, shall be issued by the governor. Vacancies in the office of attorney-general shall be filled in the same manner as provided by law for filling vacancies in the office of lieutenant-governor.

Vacancy in congress

In office of
attorney-general

Vacancy in governor and lieutenant-governor; how filled.

Vacancy in
governor and
lieutenant-
governor; how
filled

56. When a vacancy occurs in the office of governor and lieutenant-governor, the attorney-general shall discharge the functions of the office of governor until a governor shall be elected and qualified; and shall, within five days after such vacancy occurs, issue writs for an election to be held within sixty days after the date of such writs; and also issue his proclamation to convene the general assembly within sixty days after such election, in order that the vote may be counted in the manner prescribed in the constitution.

Writs of election; to whom issued.

Writs of elec-
tion; to whom
issued

57. A writ of election shall be directed to the sheriff of the county or sergeant of the corporation for which the election is to be held; or, if the election is to be held for an election district, or to fill a vacancy in the general assembly or in congress, to the several sheriffs and sergeants of the counties and corporations which, or any part of which, are included in the district.

Vacancies in county, township, and corporation offices; how filled.

58. Writs of election to fill vacancies in county, corporation, and township offices, shall be issued by the judges of the county or corporation courts of the counties or corporations in which such vacancies occur: provided, that when a vacancy occurs in the office of sheriff, county treasurer, of county court clerk, or of attorney for the commonwealth of a county, the same shall be filled by the judge of the county court of the county in which such vacancy occurs: and provided also, that when a vacancy occurs in the office of circuit court clerk, when the clerk of the county court is not clerk of the circuit court, such vacancy shall be filled by the judge of the court in which the vacancy occurs: and provided further, that when a vacancy occurs in the office of hustings court clerk, attorney for the commonwealth of a city or town, such vacancy shall be filled by the judge of the hustings court of the city or town in which such vacancy occurs: and provided further, that when a vacancy occurs in the office of clerk of the chancery court of the city of Richmond, such vacancy shall be filled by the judge thereof, and all officers so appointed to fill vacancies, shall continue to discharge the duties of their respective offices until their successors can be elected and qualified.

Vacancies in county, township and corporation offices; how filled

County, corporation, and township offices; how vacated.

59. The removal of any county, corporation, or township officer from the county, corporation, or township in which such officer was elected, shall vacate his office; or if he fail to qualify and give bond (when a bond is required) in the time prescribed by law for the commencement of his term of office, his office shall for that cause be vacant.

County, corporation and township offices; how vacated

60. The county and corporation courts shall have power to remove from office all county, city, town, and township officers, elective under this act, in their counties and corporations respectively, for malfeasance, misfeasance, or gross neglect of official duty—such removal to be deemed a vacation of the office: provided, that the circuit courts shall have power, for the same causes, to remove the clerks of their courts respectively, and with like effect. All proceedings under this section shall be by order of, or motion before the proper court, upon reasonable notice to the party to be affected thereby.

Power of county and corporation courts to remove officers

Elections of members of the general assembly; how contested.

61. Any person intending to contest the election of another, as a senator or delegate to the general assembly, shall, within ten days after the day on which the election commenced, give to the other, notice thereof in writing, and a list of the votes he will dispute, with his objections to each, and the votes improperly rejected, for which he will contend. If he object to the legality of the election, or eligibility of the person elected, the notice shall set forth the objections; and the per-

Elections of members of general assembly; how contested

son whose election is contested, shall, within five days after receiving such notice, deliver to his adversary a like list of all the votes which he will dispute, with his objections, and the votes improperly rejected which he will claim, and the notice of his objections, if any he has, to the eligibility of the contesting party. Each party shall append to the list of votes he intends to dispute or claim, an oath to the following effect :

"I do swear (or affirm), that I have reason to believe that the persons whose names are above mentioned, are not legally qualified (or are qualified, as the case may be), to vote in the county of _____, (or corporation or district of _____)." .

And they shall respectively begin to take depositions within fifteen days, and finish them within twenty days after such election. Neither party shall have the benefit of any depositions not taken within the time above described and limited.

Notice; how given, and how depositions taken.

Notice in contested elections; how given, and how depositions taken

62. Any notice required by this, or any other act relating to elections, may be given, and the lists before mentioned may be delivered, in the mode prescribed by law for giving notices. Every deposition shall be taken, after reasonable notice, before a justice or notary public, who shall certify and seal up the same, in like manner as if the deposition was in a civil suit, and direct the same to the clerk of the house in which the seat is contested. When the petition of the party contesting, is referred to a committee, the said clerk shall refer the said depositions with the petition.

Witness; how paid, and how compelled to attend.

Witnesses; how paid, and how attendance compelled

63. Subpoenas for witnesses shall be issued by the clerks of the county and corporation courts, upon the application of either party; and said witness shall be entitled to the same allowance and privileges, and be subject to the same penalties as witnesses summoned to attend the said courts.

Petition; when and how to be presented to the house.

Petition; when and how presented to the house

64. The petition or complaint of the contesting party shall be presented in writing to the proper house within ten days after its meeting, if the disputed election was held at the annual November election; or if it was a special election to supply a vacancy, within thirty days after the conclusion of the election.

How case disposed of when there is an equal number of votes for both parties.

How case disposed of when votes for both are equal

65. If it shall be ascertained by the house in which the contest is being had, after investigation, that an equal number of legal votes were given for the petitioner and for the member returned, the election shall be null and void, and a writ of election ordered as in other cases of vacancy.

Elections of governor and lieutenant-governor ; how contested.

66. In all contested elections of governor, lieutenant-governor, and attorney-general, notices of such contest shall be given to the party whose election may be contested, within ten days after the declaration of the result of such election shall have been officially made, and return notice shall be given to the contestant within ten days after the reception of the notice of contest. And depositions shall be taken and be certified to the clerk of the house of delegates, in the manner prescribed for contests for seats in the general assembly ; and the witnesses shall be summoned and be entitled to the like allowance and privileges, and be subject to the like penalties, as witnesses summoned to attend the county and corporation courts.

Elections of governor and lieutenant-governor ; how contested

67. Contested elections, in the cases of governor and lieutenant-governor, shall be determined by the general assembly, both branches thereof sitting in joint session in the hall of the house of delegates, at which joint session the speaker of the house of delegates shall preside. The rules of proceeding to govern such joint meetings shall be such as may hereafter be prescribed by law.

Contest to be determined by general assembly

Election of attorney-general ; how contested.

68. Contested elections, in the case of attorney-general, shall be determined by a special court composed of three circuit judges (appointed to this duty by the executive), upon either oral or written evidence, taken in accordance with the laws prescribing the modes of taking and receiving testimony in courts of justice, and such rules of proceeding as the said court may prescribe for such cases. Notice of such contest shall be delivered to the executive, who shall issue his proclamation convening the said court at the state court-house, in the city of Richmond, at such time as he may appoint, not exceeding ninety days after the date of such notice. Whereupon it shall be the duty of such court to hear and determine all cases of contested election submitted to it under the provisions of this act. If any member of said court is prevented from sitting from any cause, his place shall be filled by appointment of some other circuit judge by the executive.

Election of attorney-general ; how contested

Election of county, corporation, and township officers ; how contested.

69. The returns of elections of county, corporation, and township officers, elected under this act, shall be subject to the inquiry, determination, and judgment of the respective county and corporation courts, or of the county court, in case the election was for a county and city (or town), upon complaint of fifteen or more of the qualified voters of the county, corporation, district, or township, when the officer is elected by a district or township, of an undue election or false return, two of whom shall take and subscribe an oath or affirmation that the facts set forth in such complaint are true, to the best

Election of county, corporation and township officers ; how contested

of their knowledge and belief; and the said courts shall, in judging of said elections, proceed upon the merits thereof, and shall determine finally concerning the same, according to the constitution and laws of this commonwealth; and such complaint shall not be valid or regarded by the court unless the same shall have been filed, within ten days after the election, in the clerk's office of the proper court.

Notice to opposite party;
depositions, &c.

In every case, the party whose election is contested, shall, within ten days after the complaint, be served with a copy of the complaint and notice of the contest, in the manner prescribed by law. Upon notice of the complaint being given, as provided for in this section, each party shall be at liberty to proceed to take all proper depositions to sustain or invalidate said election, upon reasonable notice to the adverse party, and the court shall proceed, at the next term after the said complaint is made, to determine said contests, without a jury, upon evidence thus furnished, and upon oral testimony, if any, unless good cause be shown for a continuance. When the contest is decided, a certificate of election shall be issued to the party in whose favor the contest is decided, in the manner prescribed by law, unless a certificate shall have been previously issued to such person.

Order ; how preserved at elections.

Order at elections;
how preserved

70. Any constable of a township in which an election is held, who may be designated by the judges of election, is directed to attend at the place of election, and he is authorized to preserve order and peace at and about the same; and if no constable be in attendance, the judges of the election may appoint one or more persons specially, by writing, and he or they shall have all the powers of a regular constable.

Disturbance of election; how prevented.

Disturbance;
how prevented

71. If any person conducts himself in a noisy, riotous or tumultuous manner at or about the polls, so as to disturb the election, or insults or abuses the judges or the clerks of election, the constable, or any other person authorized to make arrests, may forthwith arrest him and bring him before the judges of the election, and they, by a warrant under their hands, may commit him to the jail of the county or corporation for a term not exceeding twenty-four hours; but they shall permit him to vote if he be so entitled.

Penalty for failure to attend election when appointed judge, &c.

Penalty for judges, &c., to fail to attend

72. Any judge, clerk or commissioner of election, who shall fail to attend at the time and place appointed for such election, without good and sufficient reason, shall forfeit thirty dollars.

Sale of intoxicating liquors prohibited on election day.

73. All bar rooms, saloons and other places for the sale of intoxicating liquors, situated in the county, corporation or district in which an election is held, shall be closed from sunset on the day previous to that on which any election, under this act, is begun, until sunrise of the day after such election is concluded; and during that time the sale or distribution of all intoxicating liquors, in the county, corporation or district in which an election is held, is prohibited; and any person violating this section, shall be deemed guilty of a misdemeanor, and if convicted, punished by a fine not exceeding one thousand dollars, and by imprisonment in jail not more than one year.

Sale of intoxicating liquors prohibited on election day.

Penalty

Violation of election law; how punished.

74. If any officer, messenger, or other person on whom any duty is enjoined by law, relative to general or special elections, under this act, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, he shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, and by imprisonment not exceeding one year; and if any officer shall be convicted as aforesaid, he shall immediately be removed from office.

Violation of election law; how punished

75. Whoever knowingly votes in any election district in which he does not actually reside, or in which he is not a registered voter, shall be guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in jail not exceeding one year, and fined not exceeding five hundred dollars.

Voting in wrong district

76. Whoever votes more than once at the same election, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by confinement in the penitentiary not less than six months nor more than one year, and be fined not less than fifty nor more than five hundred dollars.

Voting more than once in same election

77. Any person who is not a resident of this state, who shall vote at any election held in this state, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by confinement in the penitentiary not less than six months nor more than one year, and be fined not exceeding five hundred dollars.

Non-resident voting

78. Whoever, not being a qualified elector, votes at any election with an unlawful intent, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one month nor more than one year.

Voting by one not qualified

79. Whoever procures, aids, assists, counsels, or advises another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding five hundred dollars nor less than one hundred dollars, and be

Procuring, aiding, &c., in illegal voting

confined in jail not less than one month nor more than six months.

Threat or
bribery

80. Whoever, by threat or bribery, attempts to influence any elector in giving his vote or ballot, or by such means attempts to deter him from giving his vote or ballot, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by confinement in jail not less than one month nor more than six months.

Procuring, &c.,
one to go into
another county,
&c., to vote ille-
gally

81. Whoever procures, aids, assists, counsels, or advises another to go or come into any county, corporation, township, or election district for the purpose of illegally giving his vote in such county, corporation, township, or election district, knowing that the person is not legally qualified to vote therein, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than two years.

Fraud upon
ignorant voters

82. Whoever furnishes an elector, who cannot read the language in which such ballot is printed or written, with a ballot, informing him that it contains a name or names different from those which are written or printed thereon, with an intent to deceive and induce him to vote contrary to his inclination, or who fraudulently or deceitfully changes a ballot of an elector, by which such elector is prevented from voting for such candidate or candidates as he intended, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years.

Fraudulently
putting ballot
in box

83. Whoever, after proclamation made of the opening of the polls, and at any time before the vote is fully canvassed, fraudulently puts a ballot or ticket in the box, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year.

Perjury

84. If any person challenged as unqualified to vote, is guilty of wilful and corrupt false swearing or affirming in taking any oath prescribed by this act, he shall be deemed to have committed wilful and corrupt perjury, and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than three years, and fined not exceeding five hundred dollars.

Fines; how applied.

Fines; how
applied

85. All fines incurred under this act, shall be paid into the treasury of the county or corporation where the offence was committed, for the use of the common schools of such county or corporation.

Allowance for services in election; how paid.

Allowance for
services in elec-
tion; how paid

86. Clerks of courts shall receive for their services, performed under this act, the following fees, to wit: for making out abstracts, for every hundred words, ten cents; for each

certificate, with seal attached to abstract, twenty-five cents; the fees for which abstracts and certificates shall be paid out of the corporation and county treasury; for certificate to county officer, with seal attached, fifty cents, which fee, as well as the tax on said seal, shall be paid by the person receiving the certificate.

87. The sheriffs of counties and sergeants of corporations shall each receive for their services, performed under this act, the following fees: for posting each notice of election, the sum of fifty cents; which fees shall be paid out of the county or corporation treasury.

Fees of sheriffs, &c., under this act

88. The judges and clerks of any election held under this act, shall receive as compensation for their services the sum of two dollars each; and the judge carrying the returns from his township to the county clerk's office shall receive for said services the sum of one dollar; said compensation to be paid out of the county treasury.

Compensation of judges and clerks

89. The commissioners of any election held under this act, shall each receive as compensation for their services the sum of two dollars, to be paid out of the treasury of the county or corporation in which the election is held.

Of commissioners

90. The special messenger sent by the secretary of the commonwealth to any county or corporation for a copy of the abstract of votes of such county, shall receive, as compensation for his services, the sum of two dollars per day for the time necessary to go and return from such county or corporation, and five cents per mile for each mile traveled in going to and returning by the usual traveled route from the capital to the county seat of such county.

Of special messengers

91. Each elector of president and vice-president of the United States shall be allowed the same pay and mileage that may at the time be allowed to members of the general assembly. But no elector, who may be at the capital at the time as a member of the general assembly, shall receive anything in addition to his pay and mileage as such member.

Electors of president and vice-president; pay and mileage
Exception

92. Chapters five, six, seven, eight, nine, and ten of the Code of eighteen hundred and sixty, are hereby repealed.

Code of Va., chaps. 5, 6, 7, 8, 9 and 10, repealed
Commencement

93. This act shall be in force from its passage.

CHAP. 77.—JOINT RESOLUTION in regard to the Adjournment of the General Assembly to the Ballard House.

Approved April 29, 1870.

Resolved (the house of delegates concurring), That when the general assembly adjourns, it adjourn to meet at the Ballard house, in the city of Richmond, to-day at two o'clock P. M.

Adjournment of general assembly to Ballard House

CHAP. 78.—JOINT RESOLUTIONS returning thanks to the Constitutional Convention of Illinois for their manifestation of sympathy in our recent affliction.

Agreed to April 30, 1870.

Thanking Illinois state convention for their sympathy

Resolved (the house of delegates concurring), As communicated in a message of the governor this day, the general assembly of Virginia have heard with grateful emotions the expression of sympathy on the part of the constitutional convention of the state of Illinois, in the deep affliction which has fallen upon this people by the calamity at the capitol on the twenty-seventh April.

Resolved, That the thanks of the general assembly be returned to that convention for this manifestation of sympathy in our general sorrow and bereavement.

Resolved, That the governor be requested to transmit a copy of these resolutions to the president of that body.

CHAP. 79.—JOINT RESOLUTION asking Congress to extend the provisions of the Bankrupt Act concerning the fifty per cent. clause.

Agreed to May 2, 1870

Preamble

Whereas, under the delusive hopes excited by the long continued stay laws, heretofore passed by the general assembly and extended by military orders until recently, many debtors have failed to avail themselves of the provisions of the bankrupt act; and whereas, the estates of such debtors in many cases will not be sufficient to pay fifty per centum of the debts proven against them, and they cannot therefore obtain discharges under said act; therefore be it

Congress asked to extend certain provisions of the bankrupt act

Resolved by the house of delegates (the senate concurring), That the congress of the United States be respectfully requested to repeal so much of the bankrupt act as requires the payment of fifty per centum of the debts proved against the voluntary petitioner to entitle him to a discharge.

Resolved, That a copy of the foregoing preamble and resolution be transmitted to congress, and that our senators be instructed and our representatives requested to take such steps as they may deem best to secure the said repeal.

CHAP. 80.—JOINT RESOLUTION concerning the Resumption of the Sessions of the Senate at the Capitol.

Agreed to May 3, 1870.

Senate's resumption of its sessions at the capitol

Resolved by the senate (the house of delegates concurring and consenting), That the senate may, at its pleasure, resume its sessions in the senate chamber at the capitol.

CHAP. 81.—JOINT RESOLUTION in relation to meetings of the House of Delegates at Sycamore church.

Agreed to May 11, 1870.

Resolved (with the concurrence of the senate), That the house of delegates will hereafter meet at the place in the city of Richmond commonly called the Sycamore church, until otherwise agreed upon by the senate and house of delegates.

Meeting of
house of dele-
gates at Syc-
amore church

CHAP. 82.—An ACT defining further the Powers and Duties of the Clerk of the Hustings Court of Richmond.

Approved May 12, 1870.

1. Be it enacted by the general assembly, That the clerk of the hustings court of the city of Richmond shall take charge and have the custody of all the public property, records, books and papers formerly appertaining and belonging to the hustings court of magistrates of the city of Richmond, and the hustings court of the city of Richmond, held by the judge thereof, except such property, records, books and papers as have, by law, been transferred to the chancery court of the city of Richmond, or to the circuit court of the city of Richmond.

Powers and
duties of clerk
of hustings
court of Rich-
mond

2. The clerk of the present hustings court of said city, shall have all the powers and perform all the duties which heretofore devolved upon the clerk of the hustings courts formerly existing in the city of Richmond, except such powers and duties as have been, by law, transferred to the circuit and chancery courts aforesaid; and said clerk shall continue to discharge said duties and exercise such powers until other provision be made by law.

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 83.—JOINT RESOLUTION in relation to the Establishment of a Line of Steamers between the City of Norfolk and some Port in Europe.

Agreed to May 12, 1870.

Whereas, a bill has been introduced in the congress of the United States providing for the establishment of six steamship lines between different parts of the United States and Europe, and allowing a subsidy of seven hundred and fifty thousand dollars for each company; and, whereas, we have in the state of Virginia a port equal if not superior to any in the United States; therefore, be it

Preamble

Resolved by the house of delegates (the senate concurring), That our senators be instructed and our representatives be requested to use all honorable means for the purpose of estab-

Line of steamers
between Nor-
folk and Europe

lishing a line between the city of Norfolk and some port in the European states, or for the purpose of securing a ratable proportion of such subsidy in aid of any line of steamships established having for its port of arrival in the United States the city of Norfolk.

CHAP. 84.—An ACT to Amend and Re-enact the Twenty-sixth Section of an act entitled an Act to Provide for a General Election.

Approved May 12, 1870.

§ 26 of election
law amended

1. Be it enacted by the general assembly, That the twenty-sixth section of the act entitled an act to provide for a general election, approved May eleventh, one thousand eight hundred and seventy, be amended and re-enacted so as to read as follows:

§ 26

Secretary of
commonwealth
to transmit poll
books to clerks

"§ 26. It shall be the duty of the clerks of the several county and corporation courts, on the first day of April and October in each year, to make out and transmit to the secretary of the commonwealth a list of the number of voting districts in their respective counties and corporations, together with the number of voters in each voting district; upon the reception of which, the secretary of the commonwealth shall transmit to the said clerks respectively duplicate poll books or poll lists for each voting district in their respective counties or corporations, of sufficient size to contain the names of all the voters therein: provided, that for the election to be held on the fourth Thursday in May, one thousand eight hundred and seventy, the secretary of the commonwealth shall transmit the necessary poll books to the said clerks respectively, without such lists having been furnished him as aforesaid."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 85.—An ACT Prescribing what Counties and Corporations shall compose the Eleventh Judicial Circuit.

Approved May 13, 1870.

Eleventh judi-
cial circuit

1. Be it enacted by the general assembly, That the counties of Loudoun, Fauquier, Fairfax, Prince William, Rappahannock and Alexandria, and the city of Alexandria shall constitute the eleventh judicial circuit; and the judge of such circuit shall hold a circuit court at least twice a year in each of the counties and in the city aforesaid.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 86.—An ACT to Amend the Charter of the Real Estate Bank of Virginia.

Approved May 14, 1870.

1. Be it enacted by the general assembly of Virginia, That the charter of the Real Estate bank of Virginia be amended and re-enacted so as to read as follows:

“§ 1. E. W. Moore, L. Berkley, Wm. S. Butt, Charles A. Smith, C. W. Newton, Kader Biggs, Wm. H. Peters, C. W. Grandy, Sr., John B. Neal, C. B. Gwathmey, Geo. T. Wallace, Washington Reed, Geo. W. Grice, Thos. Hume, A. H. Lindsay, Wm. J. Baker, Samuel M. Wilson, and Geo. Blow, Jr., together with such other persons as they may hereafter associate with themselves, and their successors, are hereby constituted and declared a company and body politic and corporate, under the name and style of Real Estate Bank of Virginia.

“§ 2. The capital stock of said company shall not be less than one hundred thousand dollars nor more than three millions, and shall be divided into shares of one hundred dollars each. Five dollars on each share subscribed shall be paid at the time of subscribing, and the residue of the amount subscribed, at such time and in such proportion as the company may deem proper; but for all amounts subscribed and not paid in within ninety days from the date of subscription, bonds bearing interest shall be given, and may be received, payable at such time and in such proportion as the company may deem proper, and each bond be secured by real estate situated in the state of Virginia, of value double in amount the amount of the bond secured by it. Of said capital stock, the company may issue an amount not exceeding five hundred thousand dollars, guaranteed by the company to produce semi-annual dividends of five per centum, for the payment of which guaranteed dividends, provision shall be made out of the profits of the company, semi-annually, before any dividend be declared; and such guaranteed stock shall participate in all dividends declared, to the extent of the excess of such dividends over the dividends guaranteed; but no stock with guaranteed dividends shall be issued save by order of the stockholders in general meeting, nor to an amount exceeding fifty per centum of the aggregate amount of all the stock subscribed at the date of the issue.

“§ 3. The said company shall be and are hereby authorized to carry on the general banking business of a bank of discount and deposit, and may buy, sell, guarantee, and negotiate bonds, notes, bills of exchange, and other evidences of debt; and may buy and sell bullion, coin, and bank notes; and may receive deposits and make discounts, and receive interest in advance on their discounts; and may borrow money, and secure the payment of the same by giving their notes, bonds, or obligations, with or without coupons for interest attached, and pledging bonds or other securities, or real or personal property possessed by them, for the payment of the same.

Real Estate Bank of Virginia; charter of amended Corporators

Capital Shares Subscriptions; how paid

Guaranteed stock

Dividends

How issued

General business

May receive
bonds secured
by real estate

Secured obliga-
tions

Commission
thereupon

Bonds held as
pledges

How authenti-
cated

Proviso

Secured obliga-
tions; how
cancelled

Secured obliga-
tion; how
issued

Bonds to be set
apart

Not to be dis-
posed of at less
than par

"§ 4. In connection with their banking business, the company shall be and they are hereby authorized to receive bonds bearing interest, of any person or persons whomsoever, secured by real estate of value double in amount the amount of the bonds secured by it, for such sums as they may deem proper, principal payable in equal semi-annual instalments, and all accrued interest semi-annually, and give in exchange for said bonds the obligations of the company, with or without coupons for interest attached, which obligations shall be styled and so expressed on their face, 'secured obligation of the Real Estate Bank of Virginia,' payable in such amounts, not less than one hundred dollars each, as they deem proper, but in no case to exceed in amount the amount of the bond for which they are given in exchange; for which exchange the company may charge a commission not exceeding five per centum on the amount of the bonds received, and the cost of stamps and of the assessment of real estate, when made. And the bonds thus received by the company shall be set apart, held and pledged to secure the payment of the secured obligations of the company to the holders thereof; and that the said bonds are so set apart, held and pledged, shall be expressed in writing on the face of each of said bonds, and attested by the signature of the president of the company, before the secured obligations are issued and delivered in exchange therefor: provided, however, that the company may, at all times, collect and receive payments in whole or in part of said bonds, and appropriate the amount of the payments, on account of the principal of said bonds, to the purchase of their outstanding secured obligations, so that the amount of the secured obligations outstanding, and the amount due on the bonds hypothecated, to secure them, shall, at all times, be kept equal, or as nearly so as practicable. Secured obligations of the company, purchased by amounts received in payment of bonds as thus authorized, so soon as purchased, shall be cancelled and shall not be re-issued.

"§ 5. No secured obligation shall be issued by the company, save by order of the board of directors, and in exchange for bonds secured by real estate as above authorized, or on pledge of bonds given by stockholders on account of their subscriptions. Should the company issue secured obligations on pledge of bonds given on account of subscription to the capital stock, which they are hereby authorized to do, said bonds shall be set apart, held, and pledged to secure the payment of the secured obligations of the company to the holders thereof; and that they are so set apart, held, and pledged shall be expressed in writing on the face of each bond, thus made the basis of issue, and attested by the signature of the president of the company before the secured obligations are issued; and the said bonds so pledged shall thenceforth be held, treated, and considered, to all intents and purposes, as bonds received in exchange for secured obligations of the company; but it is provided, that no secured obligation of the company, issued on the basis of bonds given on account of subscription to the

capital stock of the company, shall be disposed of by the company at less than its par value; but nothing in this proviso shall restrict the company from hypothecating said secured obligations, as security for the payment of any debt or liability of the company.

Hypothecating secured obligations

"§ 6. Outstanding secured obligations of the company may, at all times, be received for renewal and cancelled, and other secured obligations issued to the holders in lieu thereof: provided, the amount of the secured obligation or obligations issued, do not exceed the amount of those received for renewal and cancelled; and the registry of each secured obligation, issued in lieu or renewal of secured obligations thus received for renewal and cancelled, shall state the numbers, dates, and amounts of the secured obligation or obligations in lieu or renewal of which it is issued. The company shall issue their secured obligations in lieu of outstanding secured obligations which have been lost or destroyed, of the same numbers, dates, and amounts with those lost or destroyed, on satisfactory proof of the loss or destruction, and on receiving such proper indemnity as they may require; and the secured obligations thus issued shall be registered and issued as duplicates for secured obligations lost or destroyed, as the case may be.

Renewal and cancellation

When lost or destroyed

Duplicates

"§ 7. The value of the real estate securing the bonds given on account of subscription to the capital stock of the company, and received in exchange for secured obligations of the company, shall be the assessed value as appearing on the assessment books of the cities, towns, and counties where the real estate is located, save in cases where the assessed value on the assessment books shall not be considered as representing the fair, bona fide value of the real estate—in such cases, the value shall be the valuation under oath by assessors appointed by the company, which appointment they are hereby authorized to make; and the report of valuation made by said assessors shall be filed with the bond secured by the real estate assessed by them in each case. Once in every three years, the board of directors shall cause an assessment of the value of each piece of real estate pledged to the company for subscription to the capital stock, to be made by three competent, discreet, and proper persons appointed by the board, not members of the company, nor interested in the real estate to be assessed; which assessment shall be made under oath, and be returned in writing to the board under the signatures of the assessors, and be entered on the journal of the board. If from such assessment it appear that any of the real estate pledged to the company for subscription as above mentioned, is estimated at a value less than double the amount for which it is pledged to the company at the date of said assessment, the board of directors shall forthwith, by notice, require the owner of such real estate to pay such amount to the company as will reduce the amount due to the company to one-half the amount of the said assessment of such real estate; and if such payment be not made within sixty days from the time when such notice is given, it shall be the duty of the board of directors to cause such real estate to be sold and the amount due

Valuation of real estate

Assessment once in three years

When real estate pledged is less than double the amount for which it is pledged

When real estate may be sold

Correction of assessment	the company paid from the proceeds thereof. The board of directors shall at all times have power to correct any assessment, ascertained by them to be erroneously made.
Auditor	" § 8. The custody of all bonds set apart, held, or pledged as security for the payment of the secured obligations of the company, as also of all secured obligations of the company which have been purchased or received for renewal and cancelled, or have matured and been paid by the company, shall be with an officer who shall be styled auditor, and who, as custodian of the bonds pledged to secure the payment of the secured obligations of the company, shall, ex-officio, be trustee for the company and for the holders of the secured obligations; and when a bond in his custody shall be paid in full, he shall deliver it to the party entitled thereto. In addition to such other duties as may be required of said auditor, he shall keep full and accurate lists of all bonds and secured obligations in his custody, and a full and complete registry of all secured obligations issued by the company, and shall register each secured obligation of the company, and endorse the fact and date of the registry thereon, and attest the same by his signature before it is issued; but such endorsement shall not be made until the bond or bonds constituting the basis of issue of said secured obligation, with the hypothecation of said bond or bonds written on the face and attested by the signature of the president of the company, as above required, shall have been delivered into his custody. All receipts given by the company for payments on the principal of bonds in the custody of the auditor, shall be countersigned by the auditor, and the date and amount of such payments shall be endorsed on the bonds respectively, and the endorsements signed by the auditor. Once in every three months, the auditor shall publish, in one or more of the newspapers of the city of Norfolk, a statement, under oath, showing the amount due on the outstanding secured obligations of the company, and the amount due on the bonds in his custody hypothecated for their payment.
His duties	
Receipts to be countersigned by him	
Quarterly statement	
Secured obligations; how authenticated	" § 9. Each secured obligation of the company shall be under the corporate seal of the company, attested by the signature of the president of the company, and countersigned by the cashier.
Company may hold real estate	" § 10. The company may hold by purchase, or otherwise, such real estate as is required for the transaction of their business, and such as they may find it advisable to purchase to secure the payment of debt due them; and may sell, or otherwise dispose of and convey the same at their pleasure, and at the request of the owner, may negotiate the sale of any real estate on which they hold a lien or incumbrance.
Chief office	" § 11. The office of the company shall be located in the city of Norfolk, in the state of Virginia, and the company
Agencies	may establish agencies at such other points in the state of Virginia, and elsewhere, as they may deem it expedient to establish: provided, that no agency be established save by authority of the stockholders, given in general meeting.
Proviso	
General powers and restrictions	" § 12. The said Real Estate Bank of Virginia shall have all the general powers, and be subject to all the general re-

strictions provided by the Code of Virginia, or which may hereafter be enacted by the general assembly of Virginia for such bodies politic and corporate.

"§ 13. The stockholders, in general meeting, shall make and establish such by-laws, rules, and regulations, not inconsistent with the laws of the state of Virginia or of the United States, as they may deem proper for the management and control of their affairs, and government of their officers, agents, clerks, and other employees, which shall be binding on themselves and all persons in the employment of the company. By-laws, &c.

"§ 14. A president of the company and eight directors, and an auditor, shall be elected by the stockholders at the first annual meeting of the company, and at every subsequent annual meeting, to serve until the next annual meeting, and until their successors are elected and qualified. Officers; how elected

"§ 15. The president of the company, who shall preside at the meetings of the directors and have a vote in their proceedings, and the eight directors shall constitute the board of directors, any five of whom shall constitute a quorum for the transaction of business. Board of directors; quorum

"§ 16. Subject to the by-laws, rules, and regulations of the stockholders, the board of directors shall have the management and control of the affairs and business of the company, and shall appoint a cashier, and such other officers, agents, and clerks as may be authorized by the stockholders, and may be found necessary for the management of the affairs of the company. Cashier, agents, &c.

"§ 17. The president, directors, and auditor, and the officers, agents, and clerks appointed by the board of directors, shall each, before he enters on the discharge of his duties, make oath that he will faithfully, and to the best of his ability, discharge the duties of his office or position, and will truly and faithfully account to the company for everything entrusted to his charge by virtue of his office or position. Oath

"§ 18. The auditor, cashier, and other officers, agents, and clerks of the company, before entering on their respective duties, shall each give bond, with personal security approved by the board of directors, in such amounts as the by-laws may prescribe, conditioned for the faithful discharge of the duties of his office or position, and with such other conditions, if any, as may be required by the by-laws of the company. Bond

"§ 19. The official bonds of the officers, agents, and clerks of the company shall be lodged in the custody of the president of the company. Official bonds; where lodged

"§ 20. The salaries of the president and auditor shall be fixed by the stockholders in general meeting. Salaries

"§ 21. No stockholder shall be responsible, beyond his interest in the property and effects of the company, for any debt or liability of the company. Liability of shareholders

"§ 22. There shall be an annual meeting of the stockholders in the year one thousand eight hundred and seventy-one, and in each and every year thereafter, on such day and at such Annual meeting

First president, board of directors, &c.	place as may be prescribed by the by-laws; and until the first annual meeting, Samuel M. Wilson shall be president, and C. W. Newton, E. W. Moore, Kader Biggs, Geo. Blow, Jr., John Emmerson, Washington Reed, Geo. T. Wallace, and Frederick Wilson shall be directors, and Wm. J. Baker shall be auditor of the company; and any vacancy in the office of president, director, or auditor, before the first annual meeting, shall be filled as may be prescribed by the by-laws.
When company may commence business	"§ 23. The president and directors may provide for receiving subscriptions to the capital stock, and the company may commence business so soon as the minimum capital shall have been subscribed, as provided for by the second section of this charter.
General meeting of subscribers Notice	"§ 24. So soon as the minimum capital shall have been subscribed, the president shall call a general meeting of the subscribers, giving ten days' notice of the time and place of meeting, by advertisement in one or more of the newspapers published in the city of Norfolk."
Commencement	2. This act shall be in force from its passage.

CHAP. 87.—An ACT to Incorporate the Maury Literary Association in the town of Abingdon.

Approved May 18, 1870.

Maury Literary Association incorporated	1. Be it enacted by the general assembly, That B. Arbogast, James W. Humes, D. A. Jones, William G. E. Cunningham, H. S. Preston, Daniel Trigg, Robert J. Preston, William H. Cosby, and such other persons as may be associated with them under this act, be and are hereby incorporated and made a body corporate and politic, under the name and style of The Maury Literary Association, for the purpose of establishing a reading room and library in the town of Abingdon; and by that name shall have power to acquire, by purchase, gift, devise, or bequest, and hold real and personal estate to the value of forty thousand dollars; may sue and be sued, implead and be impleaded, in all the courts of law and equity in this state, and have perpetual succession; to have, make, and use a common seal, and the same to break, alter, or renew at their pleasure; to ordain and establish such by-laws, ordinances, and regulations as they may think wise; and generally to do every act and thing necessary to carry into effect this act, or to promote the object and design of this corporation: provided, that such by-laws, ordinances, regulations, or acts be not inconsistent with the laws of this state or of the United States.
Rights, powers, &c.	
By-laws, &c.	
Commencement	2. This act shall be in force from its passage.

CHAP. 88.—An ACT to authorize the qualified voters of the county of Chesterfield to vote on the question of Removing the County Courthouse to the town of Manchester or to the town of Chester.

Approved May 18, 1870.

Whereas, the county court of Chesterfield county, at its Preamble February term, eighteen hundred and seventy, acting upon petitions presented to said court, have memorialized the general assembly that the sense of the people of the county should be taken upon the change of the location of the courthouse of said county; therefore,

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the officers conducting elections in the county of Chesterfield, at the time and places for holding the first election hereafter held for township officers in said county, to prepare a separate ballot box, in which shall be deposited the ballots of the qualified voters who shall desire to vote upon the question of said removal. The said ballots shall be respectively as follows:

- "For the town of Manchester,"
- "For the town of Chester," or
- "For the present location."

Each ballot cast which shall have written or printed thereon, "For the town of Manchester," shall be deemed and taken as a vote for the removal of the seat of justice of the county of Chesterfield to the town of Manchester. Each ballot which shall have written or printed thereon, "For the town of Chester," shall be taken as a vote for the removal of the courthouse to the town of Chester. And each ballot having written or printed thereon, "For the present location," shall be taken as a vote against the removal of the courthouse. The officers conducting said elections shall receive the ballots of every person applying to vote who shall be qualified, according to the constitution and laws of this commonwealth, to vote for the township officers then to be elected, and shall keep said polls open as long as the polls for the election of said township officers shall be kept open, and shall proceed with, certify, and return the same to the clerk of the county court of said county, and shall be liable to the same penalties for neglect or failure therein as are prescribed by law in relation to other officers then to be elected.

2. It shall be the duty of the officers conducting said election to meet at the clerk's office of the county court of said county, on the Tuesday next succeeding said election, and then and there proceed, in the presence of each other, to scrutinize, purge, and correct the ballots taken on the subject of the removal of the said seat of justice, and decide upon the legality or illegality of the ballots so taken; and they shall have power to sit from day to day until their duties shall have been discharged; and having stricken therefrom such ballots as in the opinion of a majority of said officers may have been illegally voted, said officers shall count the ballots which remain unstricken, and shall verify the same by taking and sub-

Vote to be taken at first election for township officers

Separate ballot box to be prepared

How each ballot shall be regarded

Who may vote

How long polls to be kept open

Certificate and return

Penalties

How ballots to be scrutinized, purged and corrected

Ballots; how counted and verified

Oath	<p>scribing, before some officer authorized to administer oaths in the county of Chesterfield, an affidavit to the following effect:</p> <p>"We do hereby make oath that we have carefully examined the ballots in the boxes cast upon the question of the removal of the seat of justice of Chesterfield county, and that we have stricken therefrom no ballots which, in the opinion of the majority of us, were properly cast, and that no ballots remain which a majority of us concur in believing are not entitled so to be, according to the provisions of this act. Sworn to before me, , this day of • eighteen hundred and seventy."</p>
Return of ballots	<p>And it shall be the duty of said officers to return the said counted ballots, so verified, to the clerk of the county court of Chesterfield, to be preserved by him in his office; and the said officers shall at the same time certify to the county court which of the locations aforesaid received the largest number of ballots. If the town of Manchester or the town of Chester shall have received the largest number of votes, the said town of Manchester or town of Chester, as the case may be, shall be, to all intents and purposes, the place of holding court in the county of Chesterfield, and for conducting the business incident thereto, from and after the first day of October, eighteen hundred and seventy. And the said county court shall proceed immediately to cause a courthouse, and other necessary public buildings and fixtures for the said county of Chesterfield, to be erected at such place in the said town of Manchester or town of Chester, as the case may be, as the said court may select.</p>
If courthouse is changed, from what time change to take effect	
Erection of courthouse, &c.	
Commencement	<p>3. This act shall be in force from its passage.</p>

CHAP. 89.—An ACT to empower the Old Dominion Lodge, No. 5, Independent Order Odd Fellows, at Portsmouth, to invest their surplus funds, and appointing trustees for that purpose.

Approved May 18, 1870.

Preamble	<p>Whereas, Old Dominion Lodge, No. 5, Independent Order of Odd Fellows, at Portsmouth, have accumulated a surplus school fund and a surplus lodge fund, which is not required for the immediate use of said lodge, and which they desire to invest so as to secure an income by way of interest or dividend; therefore,</p>
Trustees of Old Dominion Lodge, No. 5, I. O. O. F., authorized to invest funds	<p>1. Be it enacted by the general assembly, That the trustees of the said Old Dominion Lodge, No. 5, Independent Order of Odd Fellows, and their successors in office, are hereby authorized and empowered to loan out, on satisfactory security, real or personal, or otherwise invest, so much of the funds of said lodge of Odd Fellows as the members thereof may order and direct, and in such manner as they may prescribe. The funds so invested, or which may hereafter be invested, in the name of the trustees of said lodge, shall be held by them and their successors in trust for the exclusive use, behoof, and bene-</p>

fit, and subject to the control of the said Old Dominion Lodge, No. 5, Independent Order of Odd Fellows, in such manner as they may prescribe: provided, that the trustees of said lodge shall not purchase and hold any more real estate than is now prescribed by law.

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 90.—An ACT making Appropriations to supply Deficiencies in the Appropriations for the support of the Penitentiary for the fiscal year ending September 30th, 1870.

Approved May 18, 1870.

1. Be it enacted by the general assembly, That the following sums be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, to supply deficiencies in the appropriations for the support of the convicts in the penitentiary, and for the purchasing of raw material for manufactures therein, for the fiscal year ending on the thirtieth day of September, eighteen hundred and seventy, viz: for the support of the convicts in the penitentiary, the sum of fifteen thousand dollars, and for the purchase of raw material, five thousand dollars: provided, however, that said appropriations shall be drawn in the manner and in accordance with the regulations now established by law with reference to appropriations for the penitentiary, except as to the time of drawing the same.

Appropriations
for penitentiary

For support of
convicts, \$15,000
For purchase of
raw material,
\$5,000
Proviso

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 91.—An ACT authorizing Hustings Court, city of Richmond, to impanel a grand jury, &c.

Approved May 18, 1870.

1. Be it enacted by the general assembly, That a grand jury for the hustings court of the city of Richmond shall be summoned by the sergeant of said city in the manner now prescribed by law, to attend the said court on the first Monday in January, May, July, and October, which grand jury shall be charged by the judge.

Grand jury for
hustings court
of Richmond;
how and when
summoned
Laws concern-
ing juries in cir-
cuit courts to
apply to said
court
Common-
wealth's attor-
ney for circuit
court to prose-
cute in hustings
court

2. All provisions of law concerning grand and petit juries applicable to circuit courts, shall apply to the said courts.

3. The commonwealth's attorney for the circuit court of the city of Richmond shall prosecute in all cases of felony and misdemeanor in said court.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 92.—An ACT to incorporate the Piedmont Land, Immigration, and Savings Bank Company.

Approved May 18, 1870.

Piedmont Land,
Immigration
and Savings
Bank Company
incorporated

1. Be it enacted by the general assembly of Virginia, That E. C. Randolph, Lucien Peyton, L. D. Haymond, G. W. Hansborough, and H. T. Parrish, and others who may associate under this act, and their successors, are hereby created and declared to be a body politic and corporate by the name and style of The Piedmont Land, Immigration and Savings Bank Company, and by the same name shall be and have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity of this state and elsewhere, shall purchase, hold, lease, or sell property, real or personal. After the year eighteen hundred and eighty-five, said company shall not own more than five thousand acres of land in any one county, nor more than five hundred acres in any county after the year nineteen hundred; and shall ordain and establish and put into execution such rules, by-laws, or ordinances or regulations, as may be necessary and convenient for the government and organization of this corporation, and generally may do every act and thing necessary to carry into effect this act: provided, such act be not inconsistent with the laws of this state or of the United States.

Capital
Shares

The capital stock of said company shall not be less than five hundred thousand dollars, to be divided into shares of one hundred dollars each; but privilege is hereby granted to said company to increase their said capital stock from time to time, as they may deem best, in such manner as its president and directors may prescribe: provided, the same shall not exceed the sum of two million dollars. Said capital shall be payable by each subscriber at such time or times as it may be called for by the president and directors of said company, in such proportion as they may deem necessary, and if any subscriber shall fail to pay the amount so called for within twenty days after the same has been demanded, the said amount may be recovered by motion, upon ten days' notice, in any court of record in the county or corporation wherein the delinquent stockholder resides. The funds of this company may be invested in bank, state, or other stocks, real estate, in bonds of this or any other state of the United States, or of any incorporated company, in bonds, notes, or bills drawn or accepted by private individuals, with or without real estate security, or in any other manner which, in the opinion of its president and directors, may be deemed safe and expedient.

Maximum
capital

How subscrip-
tions may be
recovered

How funds in-
vested

Deposits

Said company shall have the further right to receive deposits of money in such sums as the president and directors may prescribe, to buy and sell gold and silver coin, coupons, and exchange.

Board of di-
rectors; quorum

The affairs of the company shall be managed by a board of five directors, three of whom shall constitute a quorum, who shall be elected by the stockholders within twelve months from the passage of this act, and shall continue in office for the

period of one year, or until their successors are appointed. The directors thus elected shall have power to elect one of their number president of this company, and to elect such other officers and clerks as they may find necessary, and shall allow them suitable compensation. All such officers shall hold their places for one year, or until others are elected.

President and other officers

Term of office

The principal office of this company shall be at Lynchburg, and it shall have power to establish branch offices within this state or elsewhere: provided, that no branch office within this state shall be allowed to transact any banking business except as local agent.

Principal office and branches

The president and directors may, out of the profit of the said company, declare such dividends as they may deem proper.

Dividends

They shall annually make and publish, in one or more newspapers published in the city of Richmond, a report, showing the condition of the company. The persons named in the first section shall be commissioners to open books to receive subscription to the capital stock of said company, at such place or places as they may deem proper. Five days' notice shall be given by commissioners, of the time and place of opening said books, in some newspaper published in the city of Lynchburg, which books shall be closed in thirty days from the time of opening them. A like notice shall be given by said commissioners for the time and meeting of the stockholders to choose directors. They shall supervise the election of the first board of directors, and shall deliver over to them any property belonging to said corporation that may have come into their hands. But this company shall not proceed to transact any business until twelve thousand five hundred dollars shall have been subscribed and paid in, and until a certificate thereof, verified by the affidavit of at least three of the directors, shall be filed in the office of the auditor of public accounts.

Annual report

Commissioners to receive subscriptions

Notice

Meeting of stockholders

When company may commence business

Certificate to be filed with auditor

2. This act shall be in force from its passage, and shall be subject to the provisions of all general laws now in force or which shall be hereafter passed governing joint stock companies, so far as they are applicable to the company hereby incorporated.

Commencement, &c.

CHAP. 93.—An ACT Incorporating the Rockbridge County Fair.

Approved May 18, 1870.

1. Be it enacted by the general assembly, That Jacob Fuller, Jno. D. H. Ross, William A. Ruff, Eli S. Tutwiler, Alexander T. Barclay, John W. Hamilton, Lewis C. Davidson, William T. Poague, Alexander D. Campbell, William B. F. Luck, James C. Hutton, John McHenry, Samuel R. Moore, Henry B. Jones, William A. Donald, Alexander M. Glasgow, and such other persons as may be associated with them, for the purpose of establishing and conducting fairs and other exhibitions of the natural and industrial products of Rockbridge

Rockbridge County Fair incorporated

	and surrounding counties, are hereby declared and constituted a body corporate and politic, under the name and style of The Rockbridge County Fair, and as such shall have perpetual succession, a common seal, may sue and be sued, may purchase, rent, sell, or otherwise dispose of any real or personal estate necessary for the use of the corporation.
Capital	2. The capital stock of the company shall be not less than five thousand nor more than twenty-five thousand dollars, to be divided into shares of twenty-five dollars each. No person shall hold more than ten shares of said stock.
Shares	
Annual meeting	3. The annual meeting of the corporation shall be held on the twenty-second day of February in each year, or upon such other day as may be fixed by the by-laws. In such meeting each member may count as many votes as he has shares. Female members may vote by proxy, but no person shall act as proxy who is not a member of the corporation. At such meeting there shall be elected a president and as many directors as the by-laws may prescribe, who shall hold their offices for the term of one year, and until their successors are elected, and who shall have the control of the affairs of said company during their continuance in office, under such restrictions and limitations as may be prescribed by the regulations.
Mode of voting	
President and directors	
Their powers and duties	
By-laws, &c.	4. The corporation may enact such by-laws for the government of the same as they may deem necessary and proper, not repugnant to the laws of this state. The said by-laws may impose such penalties for delinquencies and neglect of duty as may be deemed proper. Persons not members of the corporation may be admitted to share its privileges and benefits in such manner and under such restrictions as may be prescribed in the by-laws.
Commencement, &c.	5. This act shall be in force from its passage, and shall be subject to be modified or repealed at the pleasure of the general assembly.

CHAP. 94.—An ACT Fixing the Salaries of the Judges of the Several Courts of the Commonwealth and the Pay for the Reporter for the Court of Appeals.

Approved May 18, 1870.

Salaries of judges	1. Be it enacted by the general assembly, That the compensation of the judges of the several courts of this commonwealth shall be as follows:
	<i>Supreme court of appeals.</i>
Supreme court of appeals	2. The judges of the supreme court of appeals shall each receive the sum of three thousand dollars per annum, except the president of said court, who shall receive the sum of three thousand two hundred dollars. The reporter of the court of appeals, the sum of fifteen hundred dollars per annum.
President's salary	
Salary of reporter of court	

Circuit courts.

3. The judges of the circuit courts shall each receive the sum of two thousand dollars per annum, except the judge of the seventh circuit, who shall receive the sum of two thousand three hundred dollars per annum. Circuit judges
Judge of
seventh circuit

4. The judges of the supreme court of appeals and of the circuit courts shall each be entitled to mileage, as provided by law, for all necessary travel to and from their respective courts. Mileage

County courts.

5. The judges of the county courts shall receive each an annual salary of eight hundred dollars, and in addition thereto, the sum of twenty-five dollars for each thousand of population in his county or district in excess of ten thousand, exclusive of the population of any city or town in said county or district for which there may be, and shall have been created by law, a corporation court: provided, that in no case shall the salary of a county judge exceed twelve hundred dollars. In computing the salary of a county court judge, the population regulating it shall be ascertained by reference to the census of eighteen hundred and seventy, and afterwards to the last preceding official enumeration of the inhabitants of the state; and in such computation the fractions of a thousand of population shall not be counted. County judges
Proviso
Basis of computation

6. The county court judges elected for districts shall each be entitled, for all necessary travel to and from their respective courts, when held in counties other than the county of their residence, to the same mileage as hereinbefore provided for judges of the supreme court of appeals and of the circuit courts. Mileage for
county judges
elected for
districts

7. The judges of the city and corporation courts shall receive the following annual salaries, respectively: The judge of the hustings court of Richmond, the sum of two thousand three hundred dollars; the judge of the probate or chancery court of the city of Richmond, the sum of two thousand three hundred dollars; the city judge of Norfolk, the sum of two thousand dollars; the city judge of Petersburg, the sum of one thousand eight hundred dollars; the city judge of Lynchburg, the sum of sixteen hundred dollars; the city judge of Alexandria, the sum of fourteen hundred dollars; the city judge of Portsmouth, the sum of thirteen hundred dollars; the city judges of the corporations of Fredericksburg, Winchester, and Staunton, each the sum of seven hundred dollars: provided, that when the same person shall be elected judge of a county and also a city or corporation court therein, his aggregate salary shall not exceed the sum of thirteen hundred dollars. Salaries of
judges of city
courts
Proviso

8. The salaries of the judges and their mileage, shall be paid quarterly, out of the treasury of the state, and the auditor of public accounts is hereby authorized and instructed to issue his warrants therefor. Salaries and
mileage; how
paid

9. That sections six, seven, and eight, of chapter fourteen of Sections 6, 7, and
8 of chapter 14 of
Code, repealed

the Code of Virginia (edition of eighteen hundred and sixty), be and the same is hereby repealed.

Commence-
ment

10. This act shall be in force from its passage.

CHAP. 95.—An ACT to Incorporate the Alexandria Catholic Beneficial Society of Alexandria, Virginia.

Approved May 19, 1870.

Alexandria
Catholic Benefi-
cial Society in-
corporated

Corporate
powers

By-laws, &c.

Control over
their property

Commence-
ment

1. Be it enacted by the general assembly, That E. Magruder Lowe, Richard M. Latham, George H. Harlow, Edward Hughes, Thomas Dwyer, John Lannon, and Norman F. Moore, together with such other persons as are now associated with them as members of The Alexandria Catholic Beneficial Society of Alexandria, Virginia, and their successors, be and they are hereby created a body politic and corporate, by the name and style of The Alexandria Catholic Beneficial Society, and by that name shall have perpetual succession, and a common seal; may contract and be contracted with, sue and be sued, plead and be impleaded, receive and hold to them and their successors forever, any lands, tenements, rents, goods, and chattels of what kind soever, which may be devised or given to the said beneficial society, or which may be, by the said beneficial society, purchased for the use of the same; and also to lease, rent, sell, or otherwise dispose of the said property, as shall be deemed best for the good of the said society: provided, that the property to be held by the said society shall not exceed in value the amount of ten thousand dollars.

2. That the members of the said society, or such number thereof as they shall ordain to be a quorum for such purposes, shall have power to make such constitution, by-laws, rules, and regulations, not contrary to the laws of this state and the United States, as they shall consider proper for the government of the said society and its officers; to appoint and remove such officers; to provide for the admission and expulsion of members; and to require such fees, fines, and contributions as they shall think requisite for the purposes of the said society.

3. That the said E. Magruder Lowe, Richard M. Latham, George H. Harlow, Edward Hughes, Thomas Dwyer, John Lannon, and Norman F. Moore, and their associates, members of The Alexandria Catholic Beneficial Society of Alexandria, Virginia, may give, transfer, or subscribe to the said society hereby incorporated (which said society is hereby empowered to receive, hold and use), all moneys, books, blanks, and other property now owned or held by them as members of the said Alexandria Catholic Beneficial Society.

4. This act shall be in force from its passage.

CHAP. 96.—An ACT to amend and re-enact Section Seven of the Act to Prescribe and Define the Jurisdiction of the County and Corporation Courts of the Commonwealth, and the Times and Places of holding the Same, approved April 2, 1870.

Approved May 19, 1870.

1. Be it enacted by the general assembly, That the seventh section of the act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the commonwealth, and the times and places of holding the same, approved April second, eighteen hundred and seventy, be, and the same is hereby, amended and re-enacted so as to read as follows:

“§ 7. The several corporation courts of this state shall, within their respective limits, have the same jurisdiction as the circuit courts, and the same jurisdiction as county courts over all offences committed within their limits; (and also jurisdiction in all other cases which were cognizable by the former hustings courts of the respective cities and towns, under the laws as they existed on the twenty-sixth of January, eighteen hundred and seventy;) and such other jurisdiction as may be conferred upon them by law: provided, that the provisions of this section shall not apply to the courts of the city of Richmond.”

Jurisdiction of corporation courts in civil cases same as circuit courts; in criminal, same as county courts

This not to apply to city of Richmond

2. This act shall be in force from its passage.

Commencement

CHAP. 97.—An ACT to amend Section Four, Chapter One Hundred and Eight, Code of Virginia, relating to Marriages.

Approved May 19, 1870.

1. Be it enacted by the general assembly, That section four of chapter one hundred and eight of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

“§ 4. When a minister of any religious denomination shall, before the court of any county or corporation in this state, produce proof of his ordination, and of his being in regular communion with the religious society of which he is reputed a member, and give bond in the penalty of fifteen hundred dollars, such court may make an order authorizing him to celebrate the rites of marriage.”

Code of Va., chap. 108, § 4, amended

§ 4 How minister of any religious denomination authorized to celebrate marriages

2. This act shall be in force from its passage.

Commencement

CHAP. 98.—An ACT for the Relief of John A. Mann and others, Sureties of John D. Templeton, late sheriff of Scott county.

Approved May 19, 1870.

Relief of John A. Mann and other sureties of late sheriff of Scott county

1. Be it enacted by the general assembly, That authority is hereby given to the auditor of public accounts to suspend the collection of two judgments, in the name of the commonwealth, against John A. Mann and others, sureties of John D. Templeton, late sheriff of Scott county, for a period of twelve months (the same having been secured by judgment lien); but nothing herein contained shall be construed to prevent the auditor from proceeding, in the mean time, to collect the amount of said judgments from the principal (John D. Templeton), and levying on and selling the real and personal estate of said principal: provided, that at the discretion of the auditor of public accounts, he may sell the real estate of the said principal on a credit of twelve months.

2. The auditor of public accounts is hereby required, upon a settlement of the aforesaid judgment, to receive from the said sureties, in discharge of said judgment against said sureties, payment of the principal, legal interest, costs, and expenses of collecting, abating therefrom the damages which have been awarded against said defendants.

Commencement

3. This act shall be in force from its passage.

CHAP. 99.—An ACT to amend and re-enact the Second Section of an Act to District the State for County Judges.

Approved May 19, 1870.

§ 2 of act districting the state for county judges

1. Be it enacted by the general assembly of Virginia, That the second section of the act of the general assembly, passed at its present session, approved second of April, eighteen hundred and seventy, and entitled an act to district the state for county judges, be amended and re-enacted to read as follows:

§ 2

City judges

“§ 2. The following towns and cities, having each more than five thousand inhabitants, shall each have one city judge: “Fredericksburg, Lynchburg, Norfolk, Petersburg, Portsmouth, Staunton, Alexandria.”

Commencement

2. This act shall be in force from its passage.

CHAP. 100.—An ACT Directing the Division of Cities and Towns into Wards.

In force May 24, 1870.

Board of commissioners to lay off wards; who and by whom appointed

1. Be it enacted by the general assembly of Virginia, That the judges of hustings courts of cities and towns having more than five thousand inhabitants, within this commonwealth, may, within ten days after this act shall become a law, appoint

one competent voter from each ward, as at present defined, and one person, a voter, from the city at large, who shall constitute a board of commissioners, whose duty it shall be, after having taken an oath or affirmation before some one authorized by law to administer oaths, that they will faithfully and honestly discharge the duties required of them by this act, to proceed to lay off their respective cities or towns in wards and voting places in such a manner that they may be conveniently bounded by streets, water courses, or natural and recognized lines, and shall prescribe a name or number for each ward, and establish a voting place in each precinct; but said voting place may, after the first general election held in May, eighteen hundred and seventy, or sooner, if necessary, be changed by the common council to some other place in the precinct; and the said commissioners shall prepare, at the earliest practicable day, an outline map, showing such divisions, and return the same to the clerk of the hustings court, who shall file the same with the report of the commissioners. The wards and precincts so defined, shall thenceforth be and become the wards and precincts of said cities and towns, and shall so continue until changed by law. And it shall be the duty of the said clerk to cause the boundary lines of the said wards and precincts to be published in the paper having the largest circulation within said city or town, for a period of ten days.

Oath

Boundaries of wards

Name or number of each; precincts
Precincts; how changed

Map to be prepared and returned to clerk of hustings court

Boundary lines to be published in some newspaper

2. In case there shall be no one present authorized to administer oaths, as required of the commissioners in the preceding section, then any of the said commissioners shall administer the oath to the others, and in turn, be himself sworn by one of them.

Oaths; how administered

3. It shall be the duty of the clerk of the hustings court, upon the return of said report to his office, to cause the same to be entered of record, and furnish to the keeper of the rolls an attested copy thereof.

Report of commissioners to be recorded, and copy furnished to keeper of rolls

4. The said board of commissioners shall cause to be made out a statement, signed by a majority of its members, and return the same to the clerk's office of the hustings court, showing the number of days each member of the board was actually engaged in the discharge of his duties under this act, and all sums of money, if any, actually expended by said commissioners, or allowed by them to other parties for services rendered in carrying out this act. The compensation of said commissioners shall be three dollars per day each, and that of the clerk of the court, for services rendered under this act, the like fees allowed by law for recording deeds; all of which several amounts, together with all other necessary and proper charges in carrying out the provisions of this act, shall be paid by the said city or town for which the services were rendered: provided, that no commissioner or clerk shall be entitled to receive any pay under this act if it shall appear that he has caused any delay in executing the same by failing to discharge properly the duties assigned him.

Statement of number of days each commissioner was engaged, and sums expended

Compensation

How paid

Proviso

Names or numbers of wards to be published with acts of assembly

Inconsistent acts repealed

Commencement

5. It shall be the duty of the keeper of the rolls to publish, with the acts of the general assembly of the current year, the names or numbers of the several wards within the corporate limits of the cities and towns of this commonwealth, as established by this act.

6. All acts and parts of acts in conflict with this act are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 101.—An ACT providing a Charter for the City of Richmond.

Approved May 24, 1870.

CHAPTER I.

Elections.

Charter of city of Richmond; its territory

Corporate name
Powers

Administration and government

Wards

Irregular elections

Regular elections

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act passed February thirteenth, eighteen hundred and sixty-seven, and entitled an act to extend and define the boundaries of the city of Richmond, and by any act hereafter passed by the general assembly of this state, shall be deemed and taken as the city of Richmond; and the inhabitants of the city of Richmond, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of The City of Richmond, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and appertaining to said city as a municipal incorporation.

2. The administration and government of the said city shall be vested in one principal officer, to be styled the mayor; one board, to be called the council of the city of Richmond; and in such other boards and officers as are hereinafter provided for.

3. The said city shall be divided into five wards, which number of wards the city council hereafter may increase as they may deem it expedient. Every such division shall be made in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistent with the well defined limits of each ward. Until such revision be made, the boundary lines of wards shall remain as now established.

4. The council shall provide, by ordinance, for any irregular election not herein provided for, and appoint the necessary officers to conduct the same.

5. The election of municipal officers, hereinafter mentioned, shall be held on the fourth Thursday in May next, and on the fourth Thursday in May in every second year thereafter, ex-

cept for the election of city treasurer, who shall be elected on the said Thursday in every third year thereafter; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

6. If it shall appear by said election returns, at any election, that any municipal officer has not been elected, or if any person elected to a municipal office shall refuse to accept the office to which he has been elected, the city council shall issue their warrants for a new election to fill such offices; and the same proceedings shall be had as are hereinbefore provided for a general election, and repeated from time to time until all of said officers shall be elected. If it shall appear that any such officer shall not have been elected by reason of two or more candidates having received an equal number of votes, the city council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

New election

Where two or more candidates receive equal number of votes

7. The mayor and the members of the city council, before entering upon the duties of their respective offices, shall be respectively sworn in accordance with the laws of this state. Such oaths may be administered to the mayor elect by any judge of a court of record commissioned to hold any such court within said city; and the members of the city council by the mayor, being himself first sworn as aforesaid, or by any judge of any court of record as aforesaid; and a certificate of such oaths having been respectively taken, shall be filed with the city clerk, and entered upon the journal of the city council. Every other person elected or appointed to any office under this act, or under any law, or ordinance of the city council, shall, before he enters upon the duties of said office, take and subscribe said oath and such other oaths as may be required by law or ordinance, before the mayor or city clerk, the said clerk having himself been first sworn by said mayor or a judge of a court of record as aforesaid; and a certificate of the same shall be filed in the office of said city clerk. If any person elected or appointed to any office in said city shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall neglect, for the like space of time, to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any such vacancy shall occur, another election shall be ordered or another appointment made, according to the directions of this act.

How mayor and city council shall qualify

Certificate; where filed

How other officers qualify

Certificate; where filed
Failure to qualify, &c., in thirty days, vacates office

Vacancy; how filled

CHAPTER II.

Mayor.

8. The mayor shall be elected by the qualified voters of the city of Richmond for the term of two years, and until his successor shall be elected, and qualify; and no person shall be qualified to hold the office of mayor except such as shall be

Mayor; how elected, and term of office
Who may hold such office

Salary	qualified to hold office under the constitution of this state. His salary shall be fixed by the city council, payable at stated periods; and he shall receive no other compensation or emolument whatsoever: and no regulations diminishing such compensation, after it has been once fixed, shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. The salary of the mayor, when fixed, shall so continue until changed by the city council as aforesaid.
His jurisdiction and powers	9. He shall, by virtue of his office, possess all the jurisdiction and exercise all the powers and authority, in criminal cases, of a justice of the peace of said city, in addition to the powers hereby given to him by virtue of this act, or that may hereafter be given to him by virtue of any other act of assembly; but he shall receive no fees for his services as such justice of the peace.
Shall receive no fees	
General statement to council	10. It shall be his duty to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener if he shall deem it expedient, or be required by said council, a general statement of the situation and condition of the city in relation to its government, finances and improvement, with such recommendations as he may deem proper.
His power over subordinate officers	11. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. On the removal or suspension of such officer or officers, the mayor shall report the same, with his reasons therefor, to the city council, at their next stated meeting.
Shall not remove subordinate without notice	
Removal or suspension to be reported to council	
When president of council shall act as mayor	12. In case of the absence or inability of the mayor, the president of the city council shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.
How vacancy in office of mayor filled	13. In case a vacancy shall occur in the office of mayor, the city council shall elect a qualified person to supply the vacancy until his successor shall be elected and qualified, which election shall be at the next election held in the city.

CHAPTER III.

City council.

City council	14. The council of the city of Richmond shall be composed of twenty-five members, or more, according as the number of wards of said city, as hereinbefore provided, shall be increased. The several wards of said city shall be respectively represented in said city council by five councilmen, who shall be
Five from each ward	

residents of their respective wards, and shall not be less than twenty-one years of age. They shall be elected by the electors of their respective wards, and hold their offices, respectively, for one year. Term of office

15. In the case of any vacancy happening in the city council, by death, removal from the city, resignation, or otherwise, the city council shall elect a qualified person to supply the vacancy until the next election which may be held in the city, when the vacancy shall be filled by election for the unexpired term. Vacancy in council; how filled

16. The council shall elect one of its members to act as president, who shall preside at its meetings, and continue in office for the year; and when, from any cause, he shall be absent, they may appoint a president pro tempore, who shall preside during the absence of the president. The president, or the president pro tempore, who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president shall have power, at any time, to call a meeting of the council; and in case of his absence, sickness, disability, or refusal, the council may be convened by the order, in writing, of any three members of the council. President of council
His duties
How council convened in his absence

17. The council shall have the authority to adopt such rules, and to appoint such officers and clerks, as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior; and, by a vote of two-thirds of the council, to expel a member for malfeasance or misfeasance in office. They shall keep a journal of their proceedings, and their meetings shall be open, except when the public welfare shall require secrecy. Rules, officers and clerks of council
Power over members
Journal

18. A majority of the members of the council shall constitute a quorum for the transaction of business. But on all ordinances or resolutions appropriating money, exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall be entered on the journal. No vote shall be reconsidered or rescinded, at a special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. Quorum
When yeas and nays entered on journal
When vote reconsidered, &c.

19. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to the said city; and may make such ordinances, orders, and by-laws, relating to the same, as it shall deem proper and necessary. They shall likewise have the power to make such ordinances, by-laws, orders, and regulations as they may deem desirable to carry out the following powers, which are hereby vested in them: Powers of city council

I. To establish markets in and for said city; appoint clerks and proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating. Markets, &c.

II. To erect or provide, in or near the city, suitable work-houses, houses of correction or reformation, and houses for the Work houses, &c.

Poor of the city reception and maintenance of the poor and destitute. They shall possess and exercise exclusive authority over all persons, within the limits of the city, receiving or entitled to the benefits of the poor laws; appoint officers and other persons connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agencies it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Public buildings, squares and parks • **III.** To erect and keep in order all public buildings necessary or proper for said city; to open, regulate, and ornament public squares and parks.

City prison **IV.** To erect within said city a city prison, and said prison may contain such apartments as shall be necessary for the safe keeping and employment of all persons confined therein.

Water and gas works **V.** To establish or enlarge water works and gas works within or without the limits of the said city; contract and agree with the owners of any land for the use or purchase thereof, or may have the same condemned for the location, extension, or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof. **Protection from injury** They shall have power to protect from injury, by adequate penalties, the said works, pipes, fixtures, and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of the water in the river, by prohibiting the throwing of filth or offensive matter therein above the said water works, within one mile above said water works.

Landings, wharves and docks **VI.** To establish, construct and keep in order, alter or remove, landings, wharves, and docks, on lands belonging to the city; and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits; to prevent or remove all obstructions in and upon any landings, wharves or docks. **Port wardens** They may also appoint port wardens for the port of said city, prescribe their duties, and fix their fees or compensation.

Streets and public alleys **VII.** To close or extend, widen or narrow, lay out and graduate, pave, and otherwise improve, streets and public alleys in the city, and have them properly lighted and kept in good order; and they shall have over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets or alleys. **Bridges and culverts** They may build bridges in, and culverts under, said streets; and may prevent or remove any structure; obstruction or encroachment over,

Shade trees or under, or in a street or alley, or any sidewalk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works the streets of the city, without the consent of the council. **Occupation of streets** In the meantime, no order shall be made and no injunction shall be awarded, by any court or judge, to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants, are transcending the authority given them by this act, and that the interposition of the court

is necessary to prevent injury that cannot be adequately compensated in damages.

VIII. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges, in any manner whatever. Cumbering of streets, &c.

IX. To authorize the laying down of city railway tracks, and the running of horse cars thereon, in the streets of the city, under such regulations as they may prescribe. City railways

X. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotives, engines, and cars upon the railroads within the said city, and may wholly exclude the said engines or cars, if they please: provided, no contract be thereby violated. Route and grade of railroad; locomotives, &c.

XI. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of heavy draught used upon the streets of said city: provided, however, that this section shall not apply to vehicles coming into and not owned in said city. Breadth of wagon tires, &c.

XII. To require spirituous liquors, wine, oil, molasses, vinegar, and spirits of turpentine, in casks, to be gauged and inspected; and may make such provision for the weighing of hay, fodder, oats, shucks, or other long forage, as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax on the bales of hay sent by the farmers of the state to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter. Gauging and inspection of liquors, &c.
Weighing hay, &c.
Measuring grain, &c.

XIII. To require every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; and may impose penalties for any violation of any such ordinance. Sealing weights and measures

XIV. To grant aid to military companies and regiments organized within the city; to societies or associations for the advancement of agriculture and the mechanic arts; to scientific, literary, and benevolent societies: provided, such societies or associations are located in or near the city, or in the case of agricultural societies, shall hold their fairs in or near the city; and to provide or aid in support of public libraries and public schools. Military companies, agricultural and mechanical societies, &c.

XV. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and force the removal of patients to said hospitals; for the appointment and organization of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties. Contagious diseases, hospitals and board of health

XVI. To provide, in or near the city, lands to be appropriated, improved, and kept in order, as places for the interment of the dead, and may charge for the use of ground in said places of interment, and may regulate the same; may prevent the burial of dead in the city, except in the public burial Burial grounds

grounds; may regulate burials in said grounds, and may require the keeping and return of bills of mortality by the keepers or owners of all cemeteries.

Quarantine

XVII. To establish a quarantine ground for the city; but if said ground shall extend below the eastern boundary of the city on the river, the assent of the county court of Henrico shall be first obtained.

Abatement of nuisances

XVIII. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent or regulate slaughter-houses and soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of the city.

Slaughter houses, soap and candle factories

Stagnant water, filth, &c.; how removed

XIX. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such ground to be filled up, raised, or drained, or may cause such substances to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes, levied upon real estate for the benefit of said city, are authorized to be collected: provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than four weeks in any newspaper printed in said city.

Notice to owner

Powder magazines, &c.

XX. To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphine, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards.

Fire works, &c.

Hogs, dogs, &c.

XXI. To prevent hogs, dogs, and other animals from running at large in the city, and may subject the same to such confiscations, regulations, and taxes, as they may deem proper; and the council may prohibit the raising or keeping of hogs in the city.

Fast driving, flying kites, abuse of animals, &c.

XXII. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing stones, or the engaging in any employment or sports in the streets or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse of animals.

Drunkards, vagrants, &c.

XXIII. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

Prevention of vice and immorality, gaming houses, &c.

XXIV. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-

fame and gaming houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

XXV. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, to be drunk in any canal boat, store, or other place not duly licensed; and to forbid the selling, or giving to be drunk, any intoxicating liquors to any child or young person without the consent of his or her parents or guardian; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the state.

Vending liquors without license, &c.

XXVI. To prevent the coming into the city, from beyond the limits of the state, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city; and for this purpose may require any railroad company, or the captain or master of any vessel bringing such passengers to Richmond, to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year, or may compel such company, captain, or master to take them back from whence they came, and compel the persons to leave the city if they have not been in the city more than thirty days before the order is given.

Prevention of improper persons coming into the city, &c.

20. Where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars, (except where a penalty is herein otherwise provided for), for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of said city for any term not exceeding three calendar months; which penalties may be prosecuted and recovered, with costs, in the name of the city of Richmond. And the city council may subject the parent or guardian of any minor, or the master or mistress of any apprentice, to any such penalty for any such offence committed by such minor or apprentice.

Power of council to prescribe penalties and imprisonment

21. No ordinance hereafter passed by the city council, for the violation of which any penalty is imposed, shall take effect until the same shall have been published for five days successively in two of the daily newspapers of said city, to be designated by the said council. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations, and ordinances of the city council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said city, or from the volume of ordinances printed by the authority of the city council.

Publication of ordinances

22. The council shall not take or use any private property for streets or other public purpose without making to the owner or owners thereof just compensation for the same. But in all cases where the said city cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for

How used as evidence

Private property; how taken for public purpose

the said city to apply to and obtain from the circuit or county court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lies within this city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

Where building or fence encroaches upon street; how removed

Penalty

No length of encroachment to give adverse possession

Five years public use of street, &c., to vest right of city therein

Street or alley reserved in recorded plat deemed to be public

No agreement between contiguous owners to divest public use

How expense of new street, &c., to be determined

When public improvement to be made by local assessment

Collection of local assessment

23. In every case where a street in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the council, they may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same processes that they are hereinafter empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession to, or confer any rights upon, the person claiming thereunder, as against said city.

24. Whenever any street, alley, or lane shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the city, by a plat or plan of record, shall be deemed and held to be dedicating to the public use; and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between, or release of interest by, the persons owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street as to divest the interest of the public therein, or the authority of the council over the same.

25. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other public improvement whatsoever made, the city council may determine what portion, if any, of the expenses thereof ought to be paid from the public treasury, and what portion by the owners of real estate benefited, or may order and direct that the whole expense be assessed upon the owners of real estate benefited thereby.

But no such public improvement shall be made, to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case, no petition or request shall be necessary. The council shall have the same powers to collect such local assessments for improve-

ments as are hereinafter vested in them for the collection of taxes.

26. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed under or in pursuance of this act, such salaries or compensation as the said city council may from time to time deem proper, or shall be fixed by this or any other act of assembly hereafter enacted.

Salaries of city officers

27. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. And all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city and appertain to said office, and the chief officer thereof shall be responsible therefor.

Penalty for failure of former officer to deliver to his successor all public property, &c., under his charge, &c.

CHAPTER IV.

City officers.

28. There shall be one auditor, one city treasurer, one collector of city taxes, one commissioner of the revenue, one city attorney, one city engineer, one city clerk, and such clerks and assistants as the city council may see fit, by ordinance, to prescribe and furnish.

City officers

29. The council may appoint such officers and clerks as they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, and may take from any of the officers, &c., appointed, bonds with sureties, in such penalties as to the council may seem fit, payable to the city by its corporate name, with condition for the faithful performance of said duties. All officers appointed by the council may be removed from office at its pleasure.

Other officers; how appointed; their duties, &c.

30. The parties to bonds taken in pursuance of the preceding section, their heirs, devisees, executors, and administrators, shall be subject to the same proceedings on the said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of the city of Richmond, or any other courts held in the city which may succeed to the civil common law jurisdiction of said court, that collectors of the county levy and their securities are or shall be subject to, on their bonds, for enforcing payment of the county levies.

May be removed at pleasure of council

Liabilities of such officers; their securities, &c., on their official bonds

Jurisdiction over same

31. The city auditor shall be elected by the qualified voters of the city of Richmond. He shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed. He shall hold his office in such place as may be designated and prescribed by the city council. He shall give bond, with sureties, to the amount of Bond

City auditor; his term of office, &c.

His duties

not less than thirty thousand dollars, which shall be determined by the city council, before he enters upon the duties of his office; said bond to be approved by the said city council, entered on their record, and filed in the office of the city clerk. The said auditor shall open and keep, in a neat and methodical manner, a complete set of books, under the direction of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

Charge of auditor over city revenue officers

32. The said auditor shall be charged with and exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to the said city, except such as are confided to the custody of the city clerk, and such other papers as may be committed to his care by the city council, by ordinance or otherwise.

Custody of city deeds, contracts, &c.**He shall audit all claims against the city, &c.**

33. The said auditor shall have power to examine all accounts, claims, and demands for or against the said city; and no money shall be drawn from the treasury or paid by the city to any person, except as herein otherwise provided, unless that balance due or payable be first settled and adjusted by the said auditor; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have, and is hereby clothed with, full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons, whom he may think proper to examine as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented; and the person so sworn shall, if he swear falsely, be guilty of wilful and corrupt perjury, and be subject to punishment by imprisonment in the penitentiary for not less than one nor more than five years.

He may administer oaths**How money found due by auditor paid**

34. All money found to be due and payable by the said auditor to any person, shall be drawn by said auditor by warrant on the treasurer, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the warrant of the auditor, as aforesaid. But the auditor is forbidden to issue his warrant for the payment of any money in excess of the appropriation on account of which said money is drawn.

No warrant to be issued in excess of appropriation**Revenue officers; how charged****Reports to auditor; how often**

35. It shall be the duty of said auditor, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts; he shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor into the city treasury,

weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts, when required as aforesaid, and to pay over such moneys so received, it shall then be the duty of said auditor to issue notice in writing, directed to such officer and his securities, requiring him or them, within ten days, to make settlement of his said account with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the said city, according to the books of said auditor; and in case of the refusal or neglect of such officer to adjust his said accounts or pay over said balance to the treasurer as required, it shall then be the duty of said auditor to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office, proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and immediately on his removal, institute suit in the name of said city against him and his securities to recover the balance of moneys so found to be due and in his hands belonging to said city.

Notice to delinquent officer

Delinquency reported to mayor, who has power to suspend, &c.

36. The auditor shall make out an annual statement, as soon as possible after the end of each fiscal year, giving a full and detailed statement of all the receipts and expenditures during the said year. The said statement shall also detail the liabilities and expenditures during the year, the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amounts in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

Auditor's annual statement

37. The auditor shall annually submit to the city council, at their first stated meeting after the beginning of the fiscal year, a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year. He shall in said report class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement, and the probable expense thereof, of contracts already made and unfinished, and the amount of unexpended appropriations of the preceding year. He shall also in such report show the aggregate income of the preceding fiscal year, from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

Annual estimates to council

Auditor may require heads of departments to make statements to him

What auditor's report shall show

38. In addition to the other duties of the said auditor, it is hereby made his duty, on the last day of each and every month, to make out a monthly statement, giving a full and detailed account of all moneys received, from what sources and on

Auditor's monthly statement

what account received, and of all moneys ordered to be paid or drawn for by warrant by him, and on what account the same have been paid; and shall deliver said statement to the said city council at their next meeting, to be filed, after the adjournment of said council, by the city clerk with the papers belonging to his office.

City treasurer

39. There shall be elected by the qualified voters of the city of Richmond, in the same manner as is provided hereinbefore for the election of mayor of said city, at the first charter election, and every three years thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than one hundred thousand dollars; said bond to be approved by the city council, entered on their records, and filed in the city clerk's office.

His bond

His duties

40. The said treasurer shall receive all moneys belonging to the city, and shall keep his office in some place designated by the council. He shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the city council, or any committee or committees thereof.

How money paid out

41. No money shall be paid out by the treasurer except upon the warrant of the auditor, issued as hereinbefore provided, and he shall keep a separate account of each fund or appropriation, and the debits or credits belonging thereto.

How money paid to treasurer

42. All moneys to be paid into the treasury of the city, except the bills for gas and water, and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer, in the following manner: a warrant shall first be obtained from the auditor, directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon the payment of the money to the treasurer, he shall give a receipt for the same, which shall be carried to the auditor, and his receipt therefor shall be the acquittance of the party making the payment. Bills for gas and water, and such other assessments as the city council may so ordain, shall be paid directly to the treasurer, who shall keep an account thereof, and make daily reports of such receipts to the auditor.

Gas and water bills

Treasurer's monthly account

43. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the auditor, showing the state of treasury at the date of such account, and the balance of moneys in the treasury. He shall also, if required so to do by the auditor, accompany such account with a statement of all moneys received into the treasury, and on what account, with a list of all warrants redeemed and paid by him during the month.

Treasurer's annual report to council

Register of warrants

44. The treasurer shall also report to the city council, at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants, their date, amount, num.

ber, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the city council, by a committee thereof, who shall examine and compare the same with the books of the auditor, and report discrepancies, if any, to the city council.

45. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made; and said money shall be used for no other purpose whatsoever.

46. The treasurer may be required to keep all moneys in his hands, belonging to the city, in such place or places of deposit as the city council may by ordinance provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall, subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next regular charter election, when the qualified voters of said city shall, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed.

47. There shall be elected by the qualified voters of the city of Richmond, one collector of the city taxes, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than fifty thousand dollars, said bond to be approved by the city council, entered on their records, and filed in the office of the city clerk.

48. Said collector shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed or ordained by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep in his said office, besides his collection and revenue warrants, such other books, vouchers, records, and accounts, as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof.

49. The said collector shall make report in writing, under oath, to the auditor, weekly, or oftener if required, the amount of all moneys collected by him, and shall pay the same into the city treasury in the manner hereinbefore provided. At the end of each fiscal year he shall submit to the city council a statement of all moneys by him collected during the year, and the particular warrant, assessment, or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the auditor, and a copy of such statement shall also be filed with the auditor of said city.

Special funds

Where city money to be kept,

Treasurer not to use city money for his own use,

In case of his removal, how vacancy filled

City collector

Bond

His duties, &c.

His books, &c., to be inspected by mayor

Collector's weekly report to auditor

His annual report to council

- Collector not to keep funds of city in his hands 50. The said collector is expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same into the city treasury; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, a suitable person shall be appointed by the city council to fill said office, until his successor shall be elected and qualified at the next election held in the city.
- In case of removal, how vacancy filled 51. It shall be the duty of said collector to conduct all the proceedings and render all the service necessary to perfect the sale and transfer of real estate in said city, where the same shall be sold or advertised for sale for the non-payment of any tax or assessment imposed by the city council, as hereinafter provided.
- Collector to sell real estate for non-payment of taxes 52. The said collector may, with the consent of the city council, appoint a deputy or deputies, who may be removed from office by the said collector, by the mayor, or by the city council. During the continuance in office of the said collector, a deputy of his may discharge any of the duties of the office of collector; but the collector and his sureties shall be liable therefor.
- Collector's deputies 53. If the said collector shall receive any money for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards sell the same, at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his deputy, he and his sureties shall be liable to the holder of the certificate given to the purchaser at the sale for double the amount on the face of the certificate, to be demanded within three years from the date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.
- Penalty for collector's selling land for which he has received taxes 54. There shall be elected by the qualified voters of the city of Richmond one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk.
- Commissioner of revenue 55. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep therein such books, schedules, and records, and in such manner as the mayor and city council may direct and prescribe; which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof, and of the collector of city taxes.
- Bond
- His duties

56. To aid the commissioner of the revenue in his duties, the clerks of the several courts of the city of Richmond and of the county of Henrico shall, as required respectively, deliver to him such lists as are mentioned in the seventh and eighth sections of the thirty-fifth chapter of the Code of Virginia of eighteen hundred and sixty, as far as may relate to lands in said city.

Clerks of Richmond and Henrico courts to deliver to him lists of deeds, &c.

57. As soon as said commissioner of the revenue shall have ascertained the value of all the real and personal property taxable in said city, he shall make complete schedules of the same, and leave them in his office open to the inspection and examination of all persons interested therein; and he shall give notice by six days' publication in two of the daily newspapers of said city of the time and place, when and where such inspection and examination may be made. Said schedules shall be kept open for the period of ten days from the time of the first publication of such notice, so that any person feeling aggrieved by the assessment of his or her property, may appear and make his or her objection. The said commissioner of the revenue shall hear and consider all objections which may be made, and shall have power to alter, add to, take from, and otherwise correct and revise his assessment; and he shall have power to examine any person on oath as to the value of his personal property, and also to examine under oath such other persons as witnesses in relation thereto as he may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before him. Any person feeling aggrieved at the decision of the said commissioner of the revenue may appeal to the city council, whose decision shall be final. Any person who shall refuse to make under oath a full disclosure of all the facts necessary to enable said commissioner of the revenue to make a fair and just assessment of his personal taxable property, when duly called upon by said commissioner of the revenue so to do, or to answer such questions as may be put to him in relation thereto, shall be assessed a gross sum, in the judgment of the commissioner of the revenue, double the correct assessment of his personal taxable property.

Commissioner's schedule

How inspection of schedule had

How long schedule kept open

Commissioner's power as to schedule

Party aggrieved may appeal to council

Penalty for failure to give commissioner information

58. The said commissioner of the revenue may, with the consent of the city council, appoint an assistant or assistants, who may be removed from office by the said commissioner, by the mayor, or by the city council. During the continuance in office of the said commissioner, an assistant of his may discharge any of the duties of the office of commissioner; but the commissioner and his sureties shall be liable therefor.

Commissioner's assistants

59. The city council shall appoint a suitable and proper person, who shall be the attorney and counsel for the corporation, who shall hold his office for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify. He shall receive such compensation as the council may determine, to be paid by the city. Said attorney shall have the management, charge, and control of all the law business of the corporation and the departments thereof, and of all the law business in which the city shall be interested; shall

Attorney for the corporation; term of office, &c.

His duties

draw all leases, deeds, and legal papers for the same, and be the legal adviser of the mayor, city council, or any committee thereof, and of the several departments of said corporation; and when required, shall furnish written opinions upon any subjects involving questions of law submitted to him by them. He shall appear as counsel for the said corporation in any civil case in which it is interested, depending in any court in the city of Richmond; and when the constitutionality or validity of any ordinance is brought in issue in any penal prosecution, or when the mayor shall direct a prosecution for a nuisance, he shall appear for the prosecution when the case shall come into court. He shall also prosecute in the court of the police justice, and receive such fees of office as are allowed by law to attorneys for the commonwealth for like service; and he shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the city council.

He shall prosecute in court of police justice

May authorize another to appear for him

60. He shall have power and authority, from time to time, during his continuance in office, with the consent of the mayor, to authorize an attorney or other person to appear for him in his name and on behalf of said corporation, and conduct and defend suits and proceedings in all courts and places.

His office and docket

61. Said attorney for the corporation shall keep his office in such place as the city council may direct, and shall keep therein a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such causes; and said docket shall at all times be open to the inspection of the mayor, the members of the city council, and the city auditor.

City engineer

62. There shall be elected by the qualified voters of the city of Richmond one engineer for the city, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council and filed in the office of the city clerk.

Bond

His assistants and clerks

63. The said engineer shall have such assistants and clerks as the city council may allow and approve; but such assistants or clerks may be removed at any time by the mayor or by the city council.

His duties

64. The said engineer shall be the general superintendent of the streets, culverts, public buildings, and all public improvements. He shall make such surveys, reports, drawings, plans, specifications and estimates as the city council may require of him, and do, in relation thereto, whatever else it may direct. All surveys or other acts, which shall be made or done by said engineer, shall be as valid and effectual as if the same were done by a surveyor of a county. He shall keep his office in such place as the city council may direct, and shall keep therein all maps, drawings, and papers pertaining to his office. He shall keep a record of all his proceedings, and a set of books, in which shall be entered, under appropriate heads, the receipts and expenditures of his department; and all the books and papers of his office shall be open at all times to the inspection

His surveys valid

His office, records, &c.

of the mayor, to the members of the city council, or to any committee or committees thereof.

65. There shall be one city clerk appointed by the city council, who shall hold his office for the period of two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council. City clerk

66. The said city clerk shall attend the meetings of the city council and keep a record of its proceedings. He shall have the custody of the corporate seal. He shall keep all papers that, by the provisions of this act or by the direction of the city council, are required to be filed with or kept by him. It shall also be his duty, immediately after the close of each session of the city council, to make and present to the mayor a transcript of every ordinance, resolution, and order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order, and act of a legislative character, passed by the city council at such session. He shall, in like manner, transmit to the auditor a transcript of all ordinances, resolutions or orders appropriating money, or authorizing the payment of money, the issue of bonds or notes; and to the heads of all departments of the city government all ordinances, resolutions or orders relating to their departments. He shall, in like manner, give notice to parties presenting communications or petitions to the city council of the final action of the council on such communication or petitions. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as they may direct, and shall, in general, perform such other acts and duties as the city council may from time to time require of him. His duties
Transcript of ordinances, &c., to mayor
To auditor
He shall inform parties interested of final action of council
He shall publish reports and ordinances

CHAPTER V.

Finances.

67. The city council may, in the name and for the use of the city, contract loans or cause to be issued certificates of debt or bonds; but such loans, certificates, or bonds shall not be irredeemable for a period greater than thirty-four years: provided, however, that they shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes without first being authorized so to do by three-fourths of the legal voters of the city voting on the question, and the council shall, when such debt or loan is created, provide a sinking fund for the payment of the same. Neither shall the city endorse the bonds of any such company without the same authority. City council may contract loans redeemable within thirty-four years
Proviso

68. Whenever hereafter there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per centum the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be applied and invested towards the payment of such debt in the same man- Sinking fund

ner as hereinbefore provided for the present existing debt of the city.

Taxation 69. For the execution of its powers and duties, the city council may raise annually, by taxes and assessments in said city, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the laws of this state and the United States: provided, however, that they shall impose no tax on the bonds of said city, nor on any capital invested in real estate or employed in manufacture outside the city limits, although the person or persons engaged in said business or manufacture have a place of business in said city.

Proviso Neither shall they impose any tax at the same time upon the stock of a corporation and upon the dividends thereon; nor upon any capital, interest, income, or dividends when a license or other tax is imposed upon the business in which the capital is employed, or upon the principal money, credit, or stock from which the interest, income, or dividend is derived. Said taxes shall be equal and uniform upon all property, both real and personal. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

Things not to be taxed

Taxes to be equal and uniform

Stock assessed at market value

Licenses 70. The city council may grant or refuse licenses, and may require taxes to be paid on such licenses, to agents of insurance companies whose principal office is not located in said city; to auctioneers; to public, theatrical, or other performances or shows; to keepers of billiard tables, ten-pin alleys, and pistol galleries; to hawkers and peddlers in the city, or persons to sell goods by sample therein; to agents for the sale or renting of real estate; to commission merchants, and all other business which cannot be reached by the ad valorem system under the preceding section. They may also grant or refuse such license to all sellers of wine or spirituous or fermented liquors, and require taxes to be paid on such license, in addition to other taxes imposed.

Licenses on liquors

Taxes on wagons, &c. 71. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays, and carts, using them in the city, to take out a license therefor, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and prescribe their fees and compensation.

Council may vest in collector powers of sheriff to collect taxes 72. The council may vest in the collector of the city taxes, and of assessments for the use of water, gas, or other purposes, any or all of the powers which are now or may hereafter be vested in a sheriff as collector of the state taxes; may prescribe the mode of his proceeding, and the mode of proceeding against him for the failure to perform his duties.

May prescribe his mode of proceeding, and proceeding against him 73. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon; and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such

All goods, &c., liable for taxes; trust or mortgage no bar while goods remain in hands of grantor, or otherwise

deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

74. Any payment of taxes made by a tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent, and where any tax is paid by a fiduciary on the interest or profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate.

Where tenant or fiduciary pays taxes

75. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they were assessed. The city council may require real estate in the city, delinquent for the non-payment of taxes, to be sold for said taxes, with interest thereon at the rate of twelve per centum per annum, and such per centum as they may prescribe for charges. Such real estate shall be sold, and may be redeemed under the provisions hereinafter made.

Lien on real estate for taxes
How delinquent land sold

76. The collector of city taxes shall, under the direction of the city council, cause a notice of the time and place of such sale to be published, in all the daily newspapers published in said city, at least ten days previous to such sale; and he shall also cause to be published in one or more of said daily papers, on some day not more than twenty days nor less than ten days previous to such sale, a list of the several parcels of real estate so to be sold, describing therein each parcel of real estate in the same manner as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment thereon.

Notice of such sale

77. If such tax or assessment, and the per centage, interest, and expenses aforesaid, be not paid previous to the day for which said sale was advertised, or on some day immediately thereafter, to which said sale may be adjourned, the collector shall proceed to make sale, accordingly, of the said several parcels of real estate, or so much thereof as may be necessary, to the highest bidder; and the sale may be adjourned from day to day until it shall be completed. On such sale the collector shall execute to the purchaser a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified; but the collector shall not for himself, either directly or indirectly, purchase any real estate so sold.

How such sale made

78. If at any such sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and charges, then the same shall be struck off to the city. On such sale the collector shall execute to the city a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified, and shall deposit such certificate with the auditor.

Certificate of sale

79. The owner of any real estate so sold, his heirs or assigns, or any person having a right to charge such real estate for a debt, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the

When city may become purchaser

How and within what period such estate may be redeemed

amount for which the same was sold, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns; or, if purchased by the city, with such additional sums as would have accrued for taxes thereon if the same had not been purchased for the city, with interest on the said purchase money and taxes at the rate of twelve per centum per annum from the time that the same may have been so paid; or the same may be paid within the said two years to the city treasurer in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city of Richmond.

Rights of persons under disability; how saved

80. Any infant, married woman, insane person, or person imprisoned, whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years after the removal of the disability, the amount for which the same was so sold, with the necessary charges incurred by the purchaser, his heirs or assigns, in obtaining the title under the sale, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items, at the rate of twelve per centum per annum from the time the same may have been paid. Upon such payment within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate so sold.

Deed to purchaser of such estate; how executed, and within what time

81. The purchaser of any real estate, sold for taxes and not redeemed, shall, after the expiration of two years from the sale, obtain from the city auditor a deed conveying the same, wherein shall be set forth what appears in his office in relation to the sale. When the purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or by a writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the court of hustings of said city to order the auditor to execute a deed to such heirs or assigns.

Deed to assignee or heirs

Effect of such deed, if recorded within sixty days

82. When the purchaser of any real estate, sold for taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused the same to be recorded, such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appear on the face of the proceedings. And if it be alleged that the taxes, for the non-payment of which the sale was made, were not in arrear, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

Onus probandi

When city becomes purchaser, how it may acquire title

83. In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city auditor shall, within sixty days after the expiration of two years from the sale, cause to be recorded

such certificate of sale, with his oath that the same has not been redeemed, and thereupon the said corporation, or their assignees, shall acquire an absolute title to the same in fee. The said certificate may be acknowledged, or proved, and recorded in the same manner that deeds are recorded, and the said certificate, or the record thereof, or a copy of said record, duly authenticated, shall, in all courts and places, be presumptive evidence of the facts therein stated and of the regularity and correctness of such sale, and of all proceedings prior thereto.

Effect of certificate of sale as evidence

CHAPTER VI.

Police and fire departments.

84. The police department of the city of Richmond shall be under the general control and management of police commissioners thereof, who shall consist of the mayor, the president of the city council, and the police justice, and shall constitute a board of police commissioners for said city; of which board the mayor shall be president, and shall have a casting vote. Any two of said commissioners shall form a quorum for the transaction of any business, except the appointment or dismissal of members of the police force, hereinafter otherwise directed. Said board may adopt rules and by-laws for the government thereof, and also may establish, promulgate, and enforce proper rules, regulations, and orders for the good government and discipline of said police force: provided, that said rules, regulations, and orders shall not in any way conflict with any ordinance of the city council or of the provisions of this act, or the constitution and laws of this state or of the United States.

Police commissioners; who

Mayor to have casting vote

Quorum

Powers of board

Proviso

85. The said police commissioners, after taking the oath of office as such commissioners, shall meet at the office of the mayor, or other suitable place, at such time as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may, in writing, appoint. They shall perform the duties of said office without any compensation, reward, or salary therefor from said city, except that nothing herein shall in any way conflict with the payment of the salary elsewhere provided to be paid to the said mayor and police justice for their services in their respective offices.

Meetings of said board

86. It shall be the duty of said police commissioners to select from among the electors of said city, and unanimously appoint by warrant of appointment, bearing the signatures of all three of said commissioners, to be immediately filed with the city clerk, so many permanent policemen, officers, and patrolmen as may be authorized by the city council; and said board shall also appoint, with the approval of the city council, one chief of police, through whom said board may promulgate all rules, regulations, and orders to the whole force, and who shall have immediate direction and control of said force, subject, however, at all times to the rules, regulations, and orders of said board, and to the orders of the mayor: provided, that

Policemen, officers and patrolmen; how appointed

Chief of police; how appointed; his powers

Term of office
of policemen
and chief; how
removed

the orders of such single commissioner do not conflict with the rules, regulations, or orders of said board then in force; and said chief and each policeman of said police force, appointed in manner as aforesaid, may hold his respective office during the term of good behavior, or until said board, by unanimous vote, shall remove him; but in case of misconduct on the part of such chief or any member of said police force, then he may be removed by the decision of a majority of said board, as hereinafter provided, or by the city council.

Additional po-
licemen; how
appointed for
exigency

87. In times of exigency, said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may appoint temporarily, without authority from the city council, a suitable number of additional policemen for such time as shall appear necessary; not, however, to extend beyond the time of the next meeting of the city council.

Power of mayor
to suspend any
member of
police force;
how long

88. The mayor, at any time, upon charges being preferred, or upon finding said chief or any other member of said police force guilty of misconduct, shall have power to suspend such member from service until the board of commissioners shall convene and take action in the matter: provided, however, that such member shall not remain so suspended for a longer period than thirty days without an opportunity of being heard in his defence; and upon hearing the proofs in the case, a majority of said commissioners may discharge or restore such member, in accordance with the decision of the majority of such board thereon; and the pay or salary of such member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the city clerk; and any violation of the rules, regulations, or orders of the board, or orders of any superior, shall be good cause for dismissal.

Pay during sus-
pension

Salary and pay
of police; how
determined, &c.

89. The salary or pay of said chief and policemen shall be determined by the city council, and all bills of expense on account of the police department shall be audited by at least two of said commissioners.

Warrant of ap-
pointment of
police force

90. The said chief of police and every policeman duly appointed as aforesaid, shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission; and he shall take such oath as the city council may ordain, and subscribe the same in a book to be kept for that purpose by the said city clerk.

Qualification

Powers of police
force

91. The said chief of police and policemen shall generally have power to do whatever may be necessary to preserve the good order and peace of said city, and to secure its inhabitants from personal violence and their property from loss and injury. Such number of the said police force as the board of police commissioners may designate shall, in criminal cases, have the same powers and duties and be subject to the same penalties that are prescribed by law as to constables.

92. The said board of commissioners may prescribe such uniform and badges for the police force as they may deem proper, and direct in what manner they shall be armed. And if any person other than a policeman shall publicly wear such uniform and badges as may be prescribed as aforesaid, he may be subjected to such fine, not exceeding the sum of one hundred dollars, as the city council may ordain.

Uniform, badges and arms of force
Penalty for others than police wearing badges, &c.

93. As soon as said commissioners shall have entered upon the discharge of their duties, and appointments of police are made in the manner as herein provided, then all the policemen and the chief of police, who shall be in service previous thereto, shall immediately vacate their offices respectively, unless reappointed as herein provided.

Former police to vacate unless reappointed

94. The city council may organize and maintain a fire department for said city, and appoint a chief engineer and assistants, with any or all of the powers which have been or may be vested by law in such officers. They may also make rules and regulations for the government of the officers and men of said fire department; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses or badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise; shall fix their pay, and may impose reasonable fines for the breach of any such regulations. They may also make such ordinances as they may deem proper to extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need.

Fire department; how organized, &c.

Rules, regulations, pay, &c.

95. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions and parts of the said city as it shall think proper within which no buildings of wood shall be erected, and may regulate the manner of construction of all buildings. They may prohibit the erection of wooden buildings in any portion of the city without permission obtained from them, and shall, on the petition of the owner or owners of not less than one-fourth of the ground included in any square of the city, prohibit the erection in such square of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, or some other fire proof material; and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof. And if any building shall have been commenced before said petitions can be acted on by the council, or if a building in progress appears clearly to be unsafe, the council may have such buildings taken down.

Control over erection of wooden buildings, &c.

Power to remove buildings not fire-proof

96. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the chief engineer to order and direct such building, or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed; and no action shall be maintained against any

Control of chief engineer over buildings on fire, &c.

Application for
damages for
destruction of
such buildings;
how made, &c.

person or against the said city therefor. But any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the city council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided for the ascertainment, assessment, collection, and payment of damages sustained by the taking of land for purposes of public improvement.

Commissioners
to appraise such
damages; their
duties

97. The commissioners appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of such building, or any part thereof, by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all said damages of the said claimant. But any party feeling aggrieved thereby, may appeal to the circuit court for the city of Richmond, which court, in taking jurisdiction thereof, shall be controlled by the laws regulating assessment of damages to real estate in other cases.

Their report

Appeal to cir-
cuit court

CHAPTER VII.

The judiciary.

Clerks for cir-
cuit, hustings
and chancery
courts; term
of office

98. There shall be elected by the qualified voters of said city, at the first charter election, and every six years thereafter, one clerk for the circuit court, one clerk for the hustings court, and one clerk for the chancery court of the city of Richmond, who shall serve for the period of six years, and until their successors be elected and qualify. They shall receive, in compensation for their services, the fees and emoluments allowed by law to clerks of the circuit courts.

Fees, &c.

Common-
wealth's
attorney

99. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one commonwealth's attorney for the circuit court, who shall also prosecute in all cases in the hustings court of the city of Richmond. He shall hold his office for a term of two years, and until his successor be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law.

100. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one sheriff of the city of Richmond, who shall, before entering upon the duties of his office, give bond, with good security, in a penalty of not less than one hundred thousand dollars nor more than three hundred thousand dollars, as shall be required by the judge before whom he shall execute the same, whose powers and duties, liability, responsibility, emoluments, and term of office shall be, so far as not inconsistent with the provisions of this act, the same as now provided by law in respect to the sheriff of the city of Richmond.

Sheriff; term of office, bond, &c.

101. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one city sergeant, who shall serve for two years, and until his successor be elected and qualify, unless sooner removed. He shall keep his office in such place as the city council may provide and appoint, and shall receive such compensation for his services as the city council shall determine. Before entering upon the duties of his office, the said city sergeant shall give bond and security in such amount as the said city council shall determine; which bond shall be approved by the said council, entered on their records, and filed in the office of the city clerk.

Sergeant; term of office

Compensation and bond

102. The said sergeant shall attend the terms of the court of hustings, and act as the officer thereof. He shall also in all respects, except as to the collection of taxes, have the same powers and authority, and shall perform the duties, and be subject to the same liabilities and penalties, and be proceeded against in the same manner as sheriffs.

His powers and duties

103. There shall be elected by the qualified voters of the city of Richmond at the first charter election, one high constable for said city, who shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed from office. Said high constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as the said council shall determine. He shall in civil cases have the same powers and duties and be subject to the same penalties as are prescribed by law to other constables, and shall perform such duties as the city council may ordain, not in conflict with the provisions of this act, the laws of this state, or the laws of the United States.

High constable; term of office

Compensation, powers and duties

104. Before entering upon the duties of his office, the said high constable shall give bond and security, in such amount as shall be required by the city council, for the faithful discharge of the duties of his office; which bond shall be approved by the said council, entered on their record, and filed in the office of the city clerk. Said high constable may appoint one or more deputies to attend to and execute the duties of his office; but the sureties on the bond of the high constable shall be equally liable for the acts of the deputy or deputies as for those of their principal.

His bond

His deputies

Sergeant to attend hustings, and sheriff the circuit and chancery courts

105. The sergeant of the city of Richmond shall be the officer of the hustings court, and the sheriff of the city of Richmond shall be the officer of the circuit court, and also of the chancery court.

Police justice; his duties to be defined by council

106. There shall be appointed by the city council one police justice, whose duties shall be defined by the city council, and who shall be, ex officio, a justice of the peace, and have such other powers and jurisdiction as shall be conferred upon him by the city council, not in conflict with the constitution and laws of the United States and of the state of Virginia.

Three justices for each ward; their term of office

107. There shall be elected by the qualified voters of each ward, three justices of the peace for each ward of the said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualify, unless sooner removed from office. They shall be designated by the city council as first, second, third, etc., justices. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Richmond, and shall have the same powers and duties within said limits as are provided by law in respect to justices of the peace in counties of this state in their respective counties, except that nothing herein contained shall be construed as vesting in said justices any portion of the jurisdiction given by this act to the police justice.

Powers and duties

Inconsistent acts repealed

108. All acts and parts of acts in conflict with this act are hereby repealed.

Commencement

109. This act shall be in force from its passage.

CHAP. 102.—JOINT RESOLUTION requesting the Governor to return to the House of Delegates an act entitled an act, &c.

Agreed to April 13, 1870.

Governor requested to return act as to county court of Pittsylvania

Resolved (the senate concurring), That the governor be respectfully requested to return to the house of delegates an act entitled an act authorizing the county court of Pittsylvania to hold a monthly term of said court in the town of Danville, No. 39.

CHAP. 103.—JOINT RESOLUTION instructing the Keeper of the Rolls to retain Senate Bill No. 111.

Agreed to May 13, 1870.

Senate bill as to sergeant of Alexandria ordered to be retained

Resolved by the house of delegates (the senate concurring), That the keeper of the rolls be instructed to retain senate bill No. 111, entitled an act in relation to the city sergeant of Alexandria.

CHAP. 104.—JOINT RESOLUTION requiring the Secretary of the Commonwealth to forward copies of Acts to Circuit and County Judges.

Agreed to May 17, 1870.

Resolved by the house of delegates (the senate concurring), That the secretary of the commonwealth furnish, as they are approved, to the circuit and county judges, copies of all acts of the general assembly in force from their passage.

Secretary of commonwealth to furnish acts to circuit and county judges

CHAP. 105.—JOINT RESOLUTION requesting the Governor to make application for Suitable Armaments for the State Oyster Boats.

Agreed to May 18, 1870.

Resolved by the house of delegates (the senate concurring), That the governor be requested to make application at the proper department of the general government, for suitable armaments for the state oyster boats, the better to enable them to enforce the payment of the state tax upon oysters.

Governor requested to make application to general government for armament for state oyster boats

CHAP. 106.—An ACT to Amend and Re-enact Section Thirty-two of an act entitled an act to Provide for a General Election, approved May 11, 1870.

Approved May 19, 1870.

1. Be it enacted by the general assembly, That section thirty-two of an act entitled an act to provide for a general election, passed May eleventh, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 32 of election law amended as to mode of depositing voter's ballot

“§ 32. The judge to whom any ballot is delivered shall, upon receipt thereof, pronounce with an audible voice the name of the person from whom the ballot is so received, and if the name of the person is found on the registration book, and there be no objection made, the said judge shall, without opening said ballot or permitting the same to be examined, (except to ascertain whether it is a single ballot,) deposit the same in the ballot box; whereupon the name of the elector shall be checked on the registration book by one of the judges, and entered by the clerks of election on the poll books and correctly numbered, in accordance with the number of electors theretofore recorded.”

2. This act shall be in force from its passage.

Commencement

CHAP. 107.—An ACT Providing for an Election in the town of Danville.

Approved May 21, 1870.

Officers authorized to be elected in Danville

1. Be it enacted by the general assembly, That there shall be elected by the qualified voters of the town of Danville, on the fourth Thursday in May, eighteen hundred and seventy, one clerk of the circuit court, who shall hold his office for the term of six years; one commonwealth's attorney for the circuit court, one mayor, one sergeant, one commissioner of the revenue, three aldermen, and eight councilmen, who shall hold their offices for a term of two years; and one town treasurer, who shall hold his office for a term of three years.

Other officers to be appointed by council

2. All other officers whose offices are now or may hereafter be created by law for the said town, shall be appointed by the board of councilmen of said town.

When to enter upon their duties

3. The officers whose election is provided for in the first section of this act, shall enter upon the discharge of their duties on the first day of July, eighteen hundred and seventy, and shall have all the powers and perform all the duties prescribed for such officers by law, or by so much of the existing charter of said town as is not inconsistent with the state constitution, shall be liable to all the penalties, and be required to give such security, and receive for their services such compensation, as is now or may hereafter be prescribed by law.

Duties, liabilities, &c.

Election to conform to general laws
Commencement

4. The election shall conform to the general law of the state in regard to elections by the people.

5. This act shall be in force from its passage.

CHAP. 108.—An ACT Providing for the Election of Justices of the Peace and Constables in the city of Alexandria.

Approved May 25, 1870.

Three justices to be elected for Alexandria

1. Be it enacted by the general assembly, That at the election to be held in the city of Alexandria, on the fourth Thursday in May, eighteen hundred and seventy, there shall be elected by the qualified voters, in each ward of said city, three justices of the peace for every ward, respectively, whose term of office shall be one, two, and three years, respectively, to be determined by lot in the presence of the judge of the corporation court of said city, and whose powers, duties, and compensation shall be the same as those of justices of the peace for the counties of the commonwealth: provided, that at every subsequent annual election there shall be elected but one such justice.

One constable in each ward

2. There shall be elected at the same time, until otherwise provided, one constable in each ward, by the qualified voters thereof, who shall have all the powers and emoluments of county constables, shall hold their office for two years, and shall give bond in like manner as county constables.

Commencement

3. This act shall be in force from its passage.

CHAP. 102.—An ACT Concerning the City Sergeant of Alexandria.

Approved May 25, 1870.

1. Be it enacted by the general assembly, That the judge of the city court of the city of Alexandria be and he is hereby authorized and empowered, to appoint a sergeant of the city of Alexandria, who shall, until his successor be regularly elected, and shall have qualified, be vested with all the powers and discharge all the duties of the sergeants of other cities of the commonwealth, as prescribed by the third section of chapter forty-nine of the Code of eighteen hundred and sixty.

Judge of city court of Alexandria may appoint sergeant till his successor qualifies

2. That the jail in the said city of Alexandria may be used as the jail, in common, of the city and county; and that the sergeant of Alexandria city discharge the duties of the jailor of both city and county of Alexandria.

Jail of city to be used for county, also

3. The said sergeant shall receive the same fees as are allowed by law to the sheriffs of counties for similar services, and, in addition thereto, such compensation for attendance upon the city court of Alexandria as the judge of said court may allow him: provided, such additional compensation shall not exceed six hundred dollars per annum, and shall be payable quarterly out of the city treasury.

Sergeant's fees

4. The judge of the said court of the city of Alexandria shall take from the sergeant appointed under the first section of this act, a bond in a penalty of not less than twenty thousand dollars, and not more than sixty thousand dollars, conditioned for the faithful performance of the duties of his office.

His bond

5. This act shall be in force from its passage.

Commencement

CHAP. 110.—An ACT for the Government of Cities and Towns of five thousand inhabitants and over.

Approved May 25, 1870.

1. Be it enacted by the general assembly of Virginia, That in all cities and towns of this commonwealth containing a population of five thousand inhabitants or over, there shall be elected by the qualified voters thereof, on the fourth Thursday in May, eighteen hundred and seventy, the following officers:

Officers for cities and towns of five thousand inhabitants and over

One clerk of the corporation or hustings court, who shall hold his office for a term of six years, who shall also be the clerk of the circuit court, except in cities or towns containing a population of thirty thousand or more; in which city or town there may be elected a separate clerk for the circuit court, who shall hold his office for a term of six years.

Clerk Six years

One commonwealth's attorney, who shall be the commonwealth's attorney for the circuit court, and shall hold his office for a term of two years.

Separate clerk for circuit court; when Six years

Commonwealth's attorney Two years

One city sergeant, who shall hold his office for a term of two years.

Sergeant Two years

Treasurer	One city or town treasurer, whose duties shall be similar to those of county treasurer, and shall hold his office for a term of three years.
Three years	
Commissioner of revenue	One commissioner of the revenue, for a term of two years, whose duty it shall be, until otherwise provided by law, to assess city or town property for city or town purposes.
Two years	
Mayor	One mayor, for a term of two years.
Two years	
Council	A council, for a term of one year, and to consist of as many members as there are councilmen or trustees in the respective cities and towns under existing charters or acts of incorporation: provided, that the councilmen for each ward shall be elected by the qualified voters of the said ward.
One year	
Number	
Proviso	As many justices of the peace as by existing charters or acts of incorporation are provided in each city or town, to hold office for a term of one year: and provided, that the justices of each ward be chosen by the qualified voters of said ward.
Justices	
One year	
Proviso	
How other officers chosen	2. All other officers shall be elected or appointed in the several cities or towns as the charters or acts of incorporation of the cities or towns now in force may prescribe: provided, that in cities or towns for which provision is made in existing charters or acts of incorporation for the office of register or chamberlain, no such officer shall be elected or appointed; but the duties heretofore devolving on such officer shall be performed by the city treasurer: and provided also, that in cities or towns for which provision is made in existing charters or acts of incorporation for the office of assessor, no such officer shall be elected or appointed; but the duties heretofore devolving on such officer shall be performed by the commissioner of the revenue.
Duties of register or chamberlain to be performed by treasurer	
Duties of assessor to be performed by commissioner of revenue	
Duties, powers and liabilities of such officers	3. The said officers shall perform all the duties, have all the powers, be liable to all the penalties, and be required to give such security, as may be prescribed by the existing charters or acts of incorporation, or ordinances of the said several cities or towns, or by the general laws of the commonwealth. They shall receive for their services such compensation as is now or may hereafter be prescribed by law; or in case of city or town officers, as may be provided by the common councils of the several cities or towns respectively.
Compensation	
Repeal of inconsistent acts]	4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.
Commencement	5. This act shall be in force from its passage.

CHAP. 111.—An ACT for the relief of the Sureties of Joseph Payne, late Sheriff of Fluvanna county.

Approved June 2, 1870.

Relief of sureties of Joseph Payne, late sheriff of Fluvanna

1. Be it enacted by the general assembly, That the sureties of Joseph Payne, late sheriff of Fluvanna county, are hereby released from the payment of the damages on judgments in favor of the commonwealth against them as sureties, rendered by the circuit court of the city of Richmond on the thirtieth

day of November, one thousand eight hundred and sixty-seven, the ninth day of November, eighteen hundred and sixty-eight, and the ninth day of June, eighteen hundred and sixty-nine. But the sureties shall not have the benefit of this act unless they pay into the treasury, on or before the first day of June, eighteen hundred and seventy, or sooner, if required by the auditor of public accounts, all that remains unpaid of the principal, interest, cost, and actual expenses of collection of said judgments: provided, that this act shall not be construed as in any way releasing the said Joseph Payne, late sheriff as aforesaid, from the payment of any damages adjudged against him.

2. This act shall be in force from its passage.

Commencement

CHAP. 112.—An ACT to Amend and Re-enact Section Thirty-Nine of Chapter One Hundred and Seventy-One of the Code.

Approved June 4, 1870.

1. Be it enacted by the general assembly, That the thirtieth section of chapter one hundred and seventy-one of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Code of Va., chap. 171, § 39, amended

“§ 39. Where plaintiffs or defendants sue or are sued as partners, and their names are set forth in the declaration or bill, or where plaintiffs or defendants sue or are sued as a corporation, it shall not be necessary to prove the fact of partnership or incorporation, unless with the pleading, which puts the matter in issue, there be an affidavit denying such partnership or incorporation.”

§ 39 When proof of partnership or corporation dispensed with

2. This act shall be in force from its passage.

Commencement

CHAP. 113.—An ACT to Amend the First Section of Chapter One Hundred and Sixty-Eight of the Code of Virginia, edition of eighteen hundred and sixty, in regard to Change of Names.

Approved June 4, 1870.

1. Be it enacted by the general assembly of Virginia, That the first section of chapter one hundred and sixty-eight of the Code of Virginia, edition of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Code of Va., chap. 168, § 1, amended

“§ 1. Any person desiring a change of his own name, or that of his child or ward, may apply therefor to the circuit court of the county or corporation in which he resides, or if he be a citizen of the state, without a fixed residence in any one county or corporation, his application may be to the circuit court of the city of Richmond. In the case of a minor who has no parent or guardian, this application may be made by his next friend. On any such application the court in its discretion may order a change of the name, and thenceforth the new name shall be in place of the former.”

How minor may change his name

2. This act shall be in force from its passage.

Commencement

CHAP. 114.—JOINT RESOLUTION to Authorize the Superintendent of Public Buildings to sell certain materials.

Approved June 4, 1870.

Superintendent
of public build-
ings ordered to
sell certain ma-
terials

Resolved by the senate (the house of delegates concurring), That the superintendent of public buildings be and he is hereby authorized to sell, privately or publicly, all timbers and injured material, &c., resulting from the late calamity at the capitol, and pay over the proceeds into the treasury.

CHAP. 115.—An ACT to incorporate the Broad Creek Canal Company.

Approved June 6, 1870.

Broad Creek
Canal Company
incorporated

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription at the city of Norfolk under the direction of James Y. Leigh, Richard C. Phelps, and George P. Gordon, and such other persons as they may associate with themselves, or any three of them, and at such other place or places as a majority of the commissioners above named may appoint, for the purpose of receiving subscriptions to an amount not less than ten nor more than twenty thousand dollars, in shares of fifty dollars each, to constitute the capital stock of a company, to be called The Broad Creek Canal Company, for the purpose of cutting a canal from Broad creek to Little creek, and from Little creek to Lynnhaven river, commencing at or near the farms of Nimmo or Wallace, on Broad creek, and running to or near Little Bridges, on Little creek, in the county of Princess Anne.

Rights, powers
and privileges

2. The said company shall have the right to purchase and hold land, not exceeding five hundred acres, in the counties of Norfolk and Princess Anne, and sufficient for their purposes in the city of Norfolk, not exceeding two acres, together with seventy-five feet of land on each side of the entire line of said canal, and may hold and employ such machinery, boats, and other appliances as their business may require; and they are hereby invested with all the rights, powers, and privileges conferred, and subject to all the rules, restrictions, and regulations imposed upon bodies politic and corporate by the Code of Virginia, so far as the same are applicable to and not inconsistent with this act.

When company
may commence
business

3. Whenever one hundred shares of the stock shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall and are hereby declared to be a body corporate and politic, and shall have the power to call a meeting of the subscribers to the stock for the purpose of electing a president and directors.

By-laws

4. The president and directors shall have power to make such by-laws and regulations, not contrary to the laws of the United States and of this state, as they may deem proper for

the government of said company, and may demand and receive tolls not exceeding twenty-five per centum above the rates authorized to be charged by the Dismal Swamp canal company.

5. This act shall be in force from its passage.

Commence-
ment

CHAP. 116.—An ACT to Incorporate the Exchange Bank at Charlottesville.

Approved June 6, 1870.

1. Be it enacted by the general assembly of Virginia, That John H. Bibb, Wm. H. Harris, Dr. W. C. N. Randolph, Henry W. Cooke, Geo. A. Sinclair, John Wood, Jr., J. W. Hipop, J. C. Patterson, and H. H. George, together with such persons as are now, or may hereafter be associated with them, shall be and they are hereby constituted and made a body corporate and politic, by the name and style of The Exchange Bank at Charlottesville, and by this name and style are hereby invested with all the rights, powers, and privileges conferred on banks of discount and deposit of this state, by chapter fifty-nine of the Code of Virginia as amended by act of the general assembly of Virginia, passed on the day of , eighteen hundred and seventy, except so far as they are inconsistent with this act.

The Exchange
Bank at Char-
lottesville incor-
porated

2. The capital stock shall not be less than twenty thousand dollars, nor more than five hundred thousand dollars, in shares of fifty dollars each.

Capital
Shares

3. The persons named in this act of incorporation shall constitute the first board of directors thereof, and shall continue in office for one year from the organization of said bank, and until their successors in office shall be elected and qualified. No person shall be eligible to an election as director who shall not, at the time, be the owner in his own right of at least ten shares of the capital stock. Three members of the board of directors may constitute a quorum for business. The officers of the bank shall be a president, cashier, and teller; the cashier may or may not be a stockholder. The board of directors shall have the power to fix the salaries of the officers.

Board of
directors

Who shall be
eligible as such

Quorum
Officers

Salaries

4. The bank may negotiate loans for other parties, receive money on deposit, and grant certificates therefor, as may be provided in the by-laws; and buy and sell and mortgage bullion, coin, bank notes, stocks, bonds, foreign and domestic bills of exchange, and other securities, and discount negotiable paper, and take the interest in advance, which paper may be made payable at the office of the bank and there protested.

Business

5. Each share of stock shall entitle the holder to one vote in general meetings, and the liabilities of stockholders shall only be for payment of the amount of stock subscribed.

Voting

6. So much real estate may be held as will be convenient for the business of the bank, and when necessary for the collection of debts.

Real estate

- By-laws** 7. The directors may frame suitable by-laws, not inconsistent with this act, for the government of the bank, which by-laws shall be ratified, altered, or amended by the stockholders in general meeting.
- Dividends** 8. The board may declare such dividends or profits as will not impair the capital stock.
- Transfers; how made** 9. Stockholders indebted to the bank cannot sell or transfer stock without permission of the board, unless such debts are otherwise satisfactorily secured, and the board shall have the power to order the sale, after ten days' notice to the delinquent, of any stock belonging to parties who shall have failed, for ninety days or more, to pay any of the obligations due the said bank.
- Commencement, &c.** 10. This act shall be in force from its passage, and be subject to all general laws now in force, or which may hereafter be enacted, concerning banks and banking companies in this commonwealth.

CHAP. 117.—An ACT for the relief of S. P. Holt, Sheriff of Campbell county.

In force June 8, 1870.

- Relief of S. P. Holt, sheriff of Campbell county** 1. Be it enacted by the general assembly, That S. P. Holt, sheriff of Campbell county, be and he is hereby allowed ninety days, beginning from the twentieth day of the present month (April), to collect and pay into the treasury the unpaid portion of the first instalment of the revenue for the year eighteen hundred and sixty-nine.
- Commencement** 2. This act shall be in force from its passage.

CHAP. 118.—An ACT to change the name of Fairfax to Culpeper, and to provide a new charter for the same.

In force June 8, 1870.

- Town of Fairfax incorporated** 1. Be it enacted by the general assembly of Virginia, That the town of Fairfax, in the county of Culpeper, as the same has been and shall hereafter be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name and style of The Town of Culpeper, and by that name shall have and exercise the powers, and be subject to all the provisions of the Code of Virginia, except so far as may be herein otherwise provided, and may sue and be sued by its corporate name.
- Corporate limits** 2. The corporate limits and bounds of Culpeper shall be as follows: beginning at the mouth of Tanyard branch, on Mountain run; thence following the natural bed of said run to the northwest corner between Lewis P. Nelson and John Jameson, on said run; thence on a straight line between Nelson and Jameson, across the Madison county road, and through Jameson's field to the north bank of Metlock's branch; thence

following the course of said branch, in a southeasterly direction, to the corner between John Jameson, E. B. Hill, and John C. Green's estate; thence along the line between said Jameson and Green to the old Fredericksburg road; thence along said Fredericksburg road to the intersection of said road with the Orange, Alexandria and Manassas railroad; thence along said railroad to a point on said road opposite a spring used by said railroad company, being the headwaters of Tan-yard branch; thence following the course of said branch to the beginning.

3. That J. B. Stanard, L. P. Nelson, G. D. Gray, D. Jameson, I. N. Armstrong, J. F. Snider, and F. M. Latham, are hereby appointed commissioners to divide said town into four wards, a majority of whom may act, whose report shall be returned to and filed in the clerk's office of the county court of Culpeper county.

4. The municipal authorities of said town shall consist of a mayor, recorder, and four aldermen, who shall be elected annually.

The mayor and recorder shall be elected by the qualified voters of said town, and the voters of each ward shall elect one alderman, who must be a resident of said ward. And all persons qualified to vote in said elections shall be eligible to either of said offices.

5. All the corporate powers of said corporation shall be exercised by the said council or under their authority, except when otherwise provided, including all the powers heretofore vested in the trustees of said town.

6. There shall be a town sergeant, treasurer, and an assessor of said town, to be elected by the qualified voters.

7. The election shall be conducted by the sergeant of the town, and such assistants, under such supervision, at such places, and under such rules and regulations as the council may prescribe. If the sergeant be absent, or incapable of acting, the elections shall be conducted by such person or persons as the council shall appoint.

8. The council may prescribe the manner of declaring and certifying elections, of determining contested elections, and of deciding between two or more, when the greatest number of votes shall be equal, and of filling vacancies in the said offices.

9. The council in existence at the time of any election shall judge of the election, qualification, and returns of the members newly elected; and should any person returned be adjudged unduly elected, or not qualified to hold the office for which he is chosen, a special election to fill the vacancy shall be held.

It shall be the duty of the mayor, as soon as may be after an election, and within ten days thereafter, to call a meeting of the council to examine the returns; and the council shall forthwith cause the persons elected to be notified of their election; and whenever a vacancy shall occur, from any cause, in the office of mayor or recorder, the council, for the time being, shall at once order a special election to be held to fill the vacancy, of which election two weeks' notice shall be given and published by the council.

Municipal
authorities

How elected

Corporate
powers; how
exercised

Sergeant, trea-
surer and as-
sessor

Election; how
conducted

Certifying and
contesting elec-
tions, &c.

Election, quali-
fication and
return; how
judged

Returns; how
examined

Vacancy in
office of mayor
or recorder;
how filled

- Official oath** 10. The mayor, recorder, and councilmen shall each, before entering upon the duties of their office, and within two weeks from the day of their election, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their said offices to the best of their abilities, so long as they shall continue therein. The mayor and aldermen shall take said oath before a notary public, and the councilmen before the mayor.
- When offices declared vacant** 11. If any one who shall have been duly elected mayor, recorder, or councilman, shall not be eligible as herein prescribed, or shall refuse to take the oath or affirmation required under this act, for two weeks from the day of his election, the council for the time being shall declare his said office vacant, and shall order a new election for mayor, recorder, or councilman, as the case may be.
- How vacancy in council filled** 12. Whenever from any cause a vacancy shall occur in the office of councilman, the council for the time being shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act.
- President of council** 13. The council shall be presided over at its meetings by the mayor; or in his absence, by the recorder; or in the absence of both mayor and recorder, by one of the councilmen, selected by a majority of the council present.
- Quorum** 14. The presence of the mayor or recorder and at least two councilmen, or in the absence of both the mayor and recorder, the presence of three councilmen shall be necessary to make a quorum for the transaction of business.
- Journal of council** 15. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws, acts, and orders; which shall be fully indexed, and open to the inspection of any one who is entitled to vote for members of the council.
- Proceedings; how authenticated** 16. At each meeting of the council, the proceedings of the last meeting shall be read to the council, and shall thereupon be corrected, if erroneous, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal.
- Casting vote** 17. The mayor and recorder shall have votes as members of the council, and in all cases of a tie, the person at the time presiding at the council shall have the casting vote.
- Power of council** 18. The council, so constituted, shall have power within said town to lay off, open, curb, and pave streets, alleys, walks, and gutters for the public use, and to alter, improve, and light the same, and have them kept in good order, and free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to lay off public grounds, and to provide, contract for, and take care of, all public buildings proper to the town; to establish and regulate markets; to prescribe the time for holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance

to the public or individuals, from anything dangerous, offensive, or unwholesome; to protect places of divine worship in and about the premises where held; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide, in or near the town, places for the burial of the dead, and to regulate interments in the town; to provide for the regular building of houses or other structures, and for the making of division fences, and for the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage from fires; to provide for the poor of the town; and appoint and publish the places of holding town elections, and the time of holding special elections and polls; to provide a revenue for the town, and appropriate the same to its expenses, and to provide the annual assessment of taxable persons and property in the town; to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property of persons therein, and to preserve peace and good order therein; to keep a town guard; to appoint and order out a patrol for the town in like manner and for like purposes within the same as the patrol may be ordered out by the county court, or a justice within the county; require and take from the sergeant and treasurer bonds, with such sureties, in such penalty as the council may see fit, conditioned for the true and faithful discharge of their duties (all bonds taken by the council shall be made payable to the town by its corporate name); to permit or prohibit the establishment of new places for the interment of the dead in or near the town, and to regulate the same; to erect, or authorize or prohibit the erection of gas works or water works in or near the town; to prevent injuries to or pollution of the same, or danger to the water and healthfulness of the town; (for all which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the town;) to regulate and provide for the weighing and measuring of hay, coal, and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets.

19. To carry into effect these enumerated powers, and all other powers conferred upon the said town or its council, expressly or by implication, in this or any other acts of the general assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws, and ordinances, not contrary to the constitution and laws of Virginia; and to prescribe, impose, and enact reasonable fines and penalties, or imprisonments in the county jail for a term not exceeding thirty days, in case of contempt, or to enforce the collection of a fine; all which fines, penalties, and imprisonments, shall be recovered or enforced under the judgment of the mayor of said town, or the person lawfully exercising his functions. And the authorities of said town may, with the consent of the county court of said county, entered of record, have the right to use the jail of said county of Culpeper for any purposes for which

By-laws, &c.

the use of a jail may be needed by them, under the acts of council or of the state.

Account and estimates

20. The council shall cause to be annually made up and entered upon its journal, an account and estimate of all sums which are or may become lawfully chargeable on the said town, which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is the amount which may be raised from licenses and other sources.

Town levy

Subjects of taxation

21. The levy so ordered may be upon all free male persons within said town over sixteen years of age, dogs, and on all real estate within said town which is not exempted from state taxation, and all such other subjects in said town as may at the time be assessed with state taxes: provided, that the tax do not exceed one dollar on every hundred dollars of the value assessed on real and personal property.

Licenses

May require bond of person licensed

22. Whenever anything for which a state license is required, to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town; and the council may, in any case in which it sees fit, require from the person so licensed a bond, with sureties, in such penalty and with such condition as it may think proper. Said council may also grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in said town for hire, or as carriers for the public; and may require the owners or keepers of such wagons, drays, and carts, using them in the town, to take out a license therefor, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Revenues; how paid, &c.

23. The revenue from these and other sources shall be collected, paid over, and accounted for, at such times and to such persons as the council shall order.

Sergeant; his powers, duties and liabilities

24. The sergeant shall have power to collect the town taxes, fines, and levies, and shall have power, one month after he shall have received the books of the commissioner of the revenue of said town, to distrain and sell therefor, in like manner as a sheriff may sell and distrain for state taxes, and shall have in all other respects the same powers as a sheriff to enforce the payment and collection thereof. And the said sergeant shall have power to exercise, within the corporate limits of said town, all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process; and he shall be entitled to the same compensation therefor; and he and his securities shall be liable to all the fines, penalties, and forfeitures that a constable is legally liable to for any failure or dereliction in his said office; to be recovered in the same manner and before the same courts that said fines, penalties, and forfeitures are now recovered against a constable.

Lien on real estate for taxes

25. There shall be a lien on real estate for the town taxes assessed thereon, from the commencement of the year for which they are assessed.

Delinquent real estate; how sold, &c.

26. The council may order and require real estate in the town, delinquent for the non-payment of taxes, to be sold by

the sergeant at public auction for the arrears, with interest thereon, with such per centum as the council may prescribe, for charges, and the surplus shall be paid the owner; and they may regulate the terms on which real estate so delinquent may be redeemed.

27. The council may prohibit any theatrical or other performance, show, or exhibition, which it may deem injurious to the morals or good order of the town. May prohibit theatrical exhibitions or shows

28. The council shall have power to require and take from the sergeant and treasurer, bonds, with sureties satisfactory to the council, in such penalty as they may deem sufficient; except that as to the sergeant, it shall not be for a penalty less than five thousand dollars; and said bond shall be conditioned for the faithful and true performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines, and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order, to pay over all moneys which he may collect under executions to those entitled to the same; a copy of which bond shall be certified to the clerk of the county for recordation. The treasurer's bond shall be conditioned for the faithful performance of his duty as treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council. Bonds of officers

29. The mayor shall be the chief executive officer of the town. He shall take care that the by-laws, ordinances, acts, and resolutions of the council are faithfully executed. He shall be ex-officio a conservator of the peace within the town, and shall, within the same, exercise all the powers vested in the justices of the peace for the county, except that he shall have no jurisdiction as such in civil causes. He shall have control of the police of the town, and may appoint special police officers when he deems it necessary. It shall be his duty especially to see that peace and good order are preserved, and that the persons and property are protected in the town. He shall have power to issue executions for all fines and costs imposed by him, or he may require the immediate payment thereof; and in default of such payment, he may commit the party in default to the jail of Culpeper county, until the fine and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected. Duties of mayor
His powers

30. The duty of the recorder shall be to keep a journal of the proceedings of the council, and have charge of and preserve the records of the town. In the absence from town or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of the mayor, and be invested with all his powers. He shall be a conservator of the peace within the town. He shall receive a compensation for Recorder; his duties and powers

his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

In case of absence of mayor and recorder, &c.

31. In case of the absence from town or sickness of both mayor and recorder, and in case the offices of mayor and recorder are both vacant at the same time, the council shall, by vote of a majority present, appoint one of their own number to fill each office until the mayor or recorder may return to resume their duties, or a new election is had of said officers.

Sergeant; his duties, &c.

32. It shall be the duty of the town sergeant to collect the taxes, fines, and other income and other revenue of the town, as specified in his bond, and to account for and pay the same to the treasurer at such time as the council may order. And it shall be his duty, at least once every six months during his continuance in office, and oftener, if thereto required by the council, to render an account of the taxes, fines, and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency; to which list he shall make oath that he has used due diligence to collect the same, but has been unable to do so. The council shall, if it be satisfied he could not have collected the said claims by use of due diligence, allow them; but if the council shall be of the opinion that by the use of due diligence on the part of the sergeant he could have collected any of the said taxes or other claims, then he shall be chargeable with such as he might have collected. The said sergeant shall do and perform all the other acts appertaining to the office of sergeant of a corporation, and of a police officer and constable, within said town; and as such, shall have the same powers, duties, fees, and liabilities as are by law prescribed to a constable. He shall, for his services, receive such compensation as shall be fixed by the council.

Treasurer; his duties

33. All moneys belonging to the said town shall be paid over to the treasurer; and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the council; and the said treasurer shall pay the same upon the certificate of the recorder, or in his absence, upon certificate of the mayor.

Proceedings against treasurer

34. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held in Culpeper county, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said town on ten days' notice.

Oath of sergeant and treasurer

35. Before entering upon the duties of their office, the sergeant and treasurer shall make oath or affirmation before the mayor, or person who for the time being shall preside at the council meeting, that they will truly, faithfully, and impartially discharge the duties of their office so long as they shall remain therein.

Proceedings against sergeant

36. And if the sergeant shall fail to collect, account for, and pay over all the taxes, fines, and other revenue of the town in

his hands for collection, according to the condition of his bond, it shall be lawful for the council to recover the same, by motion, in the corporate name of the town, before any court of record of the said county of Culpeper, against the said sergeant and his sureties in his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same.

37. The said town and the taxable persons and property therein, shall be exempt and free from the payment of any poor rates or road tax, and from contributing to any county expenses for any year in which it shall appear that said town shall, at its own expense, provide for its own poor and keep its streets in order.

Town to be free from county expenses

38. The council shall have the power to make such ordinances, by-laws, orders, and regulations as they may deem necessary to prevent hogs, dogs, and other animals from running at large in the limits of the corporation, and may subject the same to such fines, regulations, and taxes as they may deem proper, and which fines and taxes shall constitute liens on the same, and the said animals may be sold, after ten days' notice, to enforce payment of said fines and taxes.

Power of council to make by-laws, &c.

39. The council shall not take or use any private property for streets or other public purposes without making to the owner or owners thereof just compensation for the same; but in all cases where the said corporation cannot, by agreement, obtain title to the ground necessary for such purposes, it shall be lawful for said corporation to apply to, and obtain from the county court of Culpeper, or the circuit court thereof, for authority to condemn the same, which shall be applied for and proceeded with according to law.

How private property taken for public purposes

40. All the rights, privileges, and properties of the said town, heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished, and remain vested in said town under this act; and all laws, ordinances, acts, and resolutions of the trustees now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.

Former rights, privileges, &c., when not in conflict with this act, continued

41. All acts and parts of acts in conflict with this act are hereby repealed.

Inconsistent acts repealed

42. This act shall be in force from its passage.

Commencement

CHAP. 119.—AN ACT to Authorize the Election of Certain Officers in the Town of Leesburg, Loudoun county, on the first Saturday in June, eighteen hundred and seventy.

Approved May 24, 1870.

1. Be it enacted by the general assembly, That in the town of Leesburg, in the county of Loudoun, there shall be elected on the first Saturday in June, eighteen hundred and seventy, by the qualified voters under the constitution adopted on the sixth day of July, eighteen hundred and sixty-nine, the follow-

Mayor, recorder and councilmen for Leesburg authorized to be elected first Saturday in June, 1870

ing officers, who shall continue in office until their successors are elected or appointed, and qualified: a mayor, recorder, and twelve councilmen, who, together, shall form a common council. There shall also be elected at the same time, a town sergeant of said town.

Their duties,
powers and
liabilities

2. The said officers shall perform all the duties, have all the powers, be liable to all the penalties, and be required to give such security, as may be prescribed by the existing charter and ordinances of said town.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 120.—An ACT to Prevent the Sacrifice of Personal Property at Forced Sales.

Approved May 28, 1870.

Property sold
under judgment,
&c., for liability
incurred prior
to April 10, 1865,
shall, if de-
fendant require
it, be on credit
of twelve
months, except
as to costs and
expenses

1. Be it enacted by the general assembly, That hereafter, and until the first day of April, eighteen hundred and seventy-two, in all cases of sales of personal property levied on under judgments, warrants, or decrees upon obligations, liabilities, or debts which were contracted or incurred prior to the tenth day of April, eighteen hundred and sixty-five, the sheriff, or other officer making said sales, shall, when so required by the defendant, his agent or attorney, at any time before the sale, sell the said personal property upon a credit of twelve months, except as to the costs and the expenses of sale, which may be required in cash, taking from the purchasers bonds, with sufficient surety, for the balance of the purchase money. The purchasers shall give their said bonds, payable to the plaintiff: provided, that for any excess of purchase money over and above the claim of said plaintiff, the said bonds shall be made payable to the defendant. Whenever the property is sold under more than one process, the bonds made payable to the respective plaintiffs shall be given according to their respective rights and priorities.

Bond of pur-
chaser to be
given to plaintiff
Excess to be
payable to
defendant
Where property
is sold under
more than one
process

Bonds; how re-
turned

All of the said bonds, when so taken, shall be returned within twenty days after the day of sale by the officer making the sale, along with the execution or other process under which the sale was made, in the same manner as a forthcoming bond is now required to be returned. The clerk shall endorse on said bonds the date of their return, from and after which time they shall have, as against the obligors therein then living, the force of a judgment, but no execution shall issue thereon, except that the said bonds shall, at their maturity, if still unpaid, have in all other respects the force and effect of a forfeited forthcoming bond, and proceedings thereon shall be had upon the same notice and in the same manner as heretofore provided by law in reference to forfeited forthcoming bonds. Such of said bonds as are made payable to the plaintiff may be paid to him or his assignee, or his agent or attorney, or personal representative, whenever, in the presence of the clerk to whose office the said bonds are returned, the amount so paid is en-

How endorsed
Bonds to have
force of judg-
ment, but no
execution
thereon except
when not paid
at maturity

How such
bonds paid

dorsed by the plaintiff, his assignee, or his agent or attorney, or personal representative, as a credit on the process under which the sale was made.

2. If the surety upon any bond taken by the officer under this act be insufficient at the time of taking the same, then the said officer, together with the sureties on his official bond, shall be liable to the obligee in the bond so taken by him, or his assignee or personal representative, in the same manner and to the same extent as they are now liable by law where insufficient surety is taken on a forthcoming bond.

Liability of officer for insufficient security

3. Whenever a judgment shall be rendered upon any bond taken under the preceding section, an execution may issue thereon as now provided by law, as to executions upon forthcoming bonds; and it shall be duty of the clerk to endorse thereon "no security is to be taken," and all sales of personal property upon which such execution shall be levied, shall be for cash and in accordance with the laws in force previous to the passage of this act.

Judgment on bond, and execution thereon

4. The provisions of section one of this act shall apply to judgments and executions upon forthcoming bonds forfeited before the passage of this act, in cases where the debt or obligation sued on was contracted or incurred prior to the tenth day of April, eighteen hundred and sixty-five; but where the forthcoming bond, whenever given in such case, is hereafter forfeited and a judgment rendered thereon, said sale shall be made on a credit of nine months.

Provisions of first section to apply to judgments and executions on forthcoming bonds forfeited before this act on claims prior to April 10, 1865; in other cases sale to be on nine months' credit

5. No judgment shall hereafter be rendered upon a forfeited forthcoming bond, in cases where the original debt or obligation sued on was incurred previous to the tenth day of April, eighteen hundred and sixty-five, until after three months' notice to the obligors therein.

No judgment on forthcoming bond until three months' notice

6. The fees of sheriffs and other officers making sales and taking the purchaser's bonds under the provisions of this act, shall be as follows: For making the sale and taking the purchaser's bonds, five per centum on the first three hundred dollars, and two per centum on the balance of the sale money; and upon executions on said bonds, the same commission as in the case for a forfeited forthcoming bond; and in all other respects the fees of said officers shall remain as now prescribed by law.

Fees and commissions of officer

7. This act shall be in force from its passage.

Commencement

CHAP. 121.—AN ACT to Amend and Re-enact Section Fifteen of Chapter One Hundred and Eighty-Two of the Code, as amended by the act of 8d March, 1866, and 24th April, 1867, in relation to Appeals, Writs of Error, and Supersedeas.

Approved May 30, 1870.

1. Be it enacted by the general assembly, That section fifteen of chapter one hundred and eighty-two of the Code of Virginia, as amended and re-enacted by acts passed March third, eighteen hundred and sixty-six, and April twenty-fourth, eighteen hundred and sixty-seven, in relation to appeals, writs

Code of Va., chap. 182, § 16, amended

Appeals, &c.,
to judgment,
&c., of county
court, to be
docketed in cir-
cuit court; ap-
peals, &c., to
judgment, &c.,
of any other
court, to be
docketed in
supreme court
of appeals
Commence-
ment

of error, and supersedeas, be amended and re-enacted so as to read as follows:

"§ 15. Every appeal, writ of error, or supersedeas shall, when it is to or from a judgment, decree, or order of the court of any county, be docketed in the circuit court which has jurisdiction over such county; when it is to or from a judgment, decree, or order of any other court, it shall be docketed in the supreme court of appeals."

2. This act shall be in force from its passage.

CHAP. 122.—An ACT to incorporate the Hampton Normal and Agricultural Institution.

Approved June 4, 1870.

Preamble

Whereas, it is represented to the general assembly, that under and by virtue of an act of incorporation granted by the circuit court of the county of Elizabeth City, on the twenty-first of September, eighteen hundred and sixty-eight, certain property located in the county of Elizabeth City, in this state, formerly known as "Little Scotland," containing, by estimation, one hundred and sixty acres, has been and is now used as an institution of learning, known as The Hampton Normal and Agricultural Institute, and upon this property large and valuable college buildings have been erected, and the same have been provided with necessary and suitable furniture, apparatus, and equipments as a seminary of learning:

The trustees of
the Hampton
Normal and
Agricultural
Institute
incorporated

1. Now be it enacted by the general assembly of Virginia, That O. O. Howard, George Whipple, M. E. Strieby, James A. Garfield, John F. Lewis, E. P. Smith, Robert W. Hughes, James F. B. Marshall, Alexander Hyde, B. G. Northrop, Samuel Holmes, Edgar Ketchum, William E. Whiting, H. C. Percy, and S. C. Armstrong, and such others as they may associate with them, and their successors, be and are hereby constituted a body politic and corporate, by the name of The Trustees of the Hampton Normal and Agricultural Institute, and shall have perpetual succession and a common seal, and by the name aforesaid, they and their successors shall be capable in law, and shall have full power and authority to acquire, hold, possess, purchase, receive, and retain to them and their successors forever, any lands, tenements, rents, goods, chattles, or interest of any kind whatsoever, which may be given or bequeathed to them, or be by them purchased for the use of an institution of learning, to be called the Hampton Normal and Agricultural Institute: provided the same do not exceed eight hundred thousand dollars in value; they and their successors shall have power to transfer, convey, and dispose of the same in any manner whatsoever they shall adjudge most useful to the interests and legal purposes of the said institution; and by their corporate name may sue and implead, and be sued and impleaded, may answer and be answered, in all courts of law and equity.

Corporate
powers

2. That the purposes of the said Hampton Normal and Agricultural Institute shall be as follows: For the instruction of youth in the various common school, academic, and collegiate branches, the best methods of teaching the same, and the best mode of practical industry in its application to agriculture and the mechanic arts; and for the carrying out of these purposes, the said trustees may establish any departments or schools in the said institution.

Purposes of the institute

3. That the trustees, or a majority of them, shall choose by ballot, a president, secretary, treasurer, and such officers, teachers, or agents as they shall deem necessary, and remove the same at pleasure, two-thirds of a quorum concurring in said removal. They shall also take bond from the treasurer, payable to the trustees of the Hampton Normal and Agricultural Institute, in such penalty and with such security as they may deem reasonable, and conditioned for the faithful discharge of the duties of his office, said duties to be prescribed by the said trustees, or a majority of them. The said trustees may make contracts in behalf of said institution, and, in general, manage the affairs of the institution.

Officers; how chosen

Treasurer's bond

Trustees may make contracts, &c.

4. That when there shall be a vacancy in the board of trustees, occasioned by death, resignation, removal, or refusal to act, the remaining trustees, or a majority of them, shall, on being notified by the secretary or president, supply the vacancy at the next annual meeting. It shall be lawful for any five of the trustees to call a meeting of the trustees whenever they shall deem it expedient.

Vacancy in board of trustees; how filled

How meeting of trustees called

5. That the board of trustees shall never be less than nine nor more than seventeen, a majority of whom shall constitute a quorum.

Number of trustees
Quorum

6. That the trustees may adopt such rules, regulations, and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary for the good government of the institution.

Rules, regulations, &c.

7. That it shall be the duty of said board of trustees, whenever requested by the governor of this state or superintendent of education, to make a report of the general condition of the institution to the board of education to be by them communicated to the general assembly.

Report of board of trustees

8. That all the rights, privileges, and properties acquired by the said Hampton Normal and Agricultural Institute, under the charter of incorporation granted by the circuit court of the county of Elizabeth City, on the twenty-first day of September, eighteen hundred and sixty-eight, be and the same are hereby ratified and confirmed.

Ratification of rights, powers, &c., acquired under charter granted by circuit court of Elizabeth City

9. That from and after the passage of this act, the charter of the said Hampton Normal and Agricultural Institute, heretofore granted by the circuit court of the county of Elizabeth City, save so far as ratified by the preceding section, is hereby revoked and annulled.

Said charter, except so far as ratified by above section, revoked

10. That any property, held by the Hampton Normal and Agricultural Institute for its legitimate purposes, shall be exempt from public taxes so long as any property, held by other

Property of institute exempt from taxation; how long

When taxed, in
what propor-
tion

institutions of learning in Virginia, for their legitimate purposes, is exempt; and whenever a tax shall be laid upon the same, if laid at all, the tax shall not be higher on said institution, in proportion to the value of its property, than on other institutions of learning in this state.

Commence-
ment

11. This act shall be in force from the passage thereof.

CHAP. 123.—An ACT making an Appropriation for the Payment of Sycamore Church.

Approved June 6, 1870.

Preamble

Whereas, the house of delegates, of the general assembly, did, by a resolution passed on the tenth day of May, eighteen hundred and seventy, direct the superintendent of public buildings to purchase for the use of the commonwealth of Virginia certain real estate situated in the city of Richmond, and known as the Sycamore church; and whereas the said superintendent of public buildings, acting under the authority of and in compliance with the requirements of said resolution, has purchased the said real estate, called Sycamore church, at the price of fifteen thousand dollars, payable in cash; therefore, for the purpose of completing the said purchase on the part of said commonwealth:

When deed of
Sycamore
church has been
duly made,
superintendent
of public build-
ings authorized
to issue his war-
rant for the sum
of \$15,000, pay-
able to trustees
of said church

1. Be it enacted by the general assembly, That so soon as the trustees of the said Sycamore church shall deliver to the superintendent of public buildings a deed of conveyance to the commonwealth for the said Sycamore church, which deed shall have been first approved by the attorney-general of the commonwealth, and certified by him to be in conformity with the terms and conditions of the contract of purchase and sale, entered into on the tenth day of May, eighteen hundred and seventy, between the said superintendent and trustees, and the said attorney-general shall also have further certified that the title conveyed by said deed is clear and unencumbered, then the said superintendent of public buildings is hereby authorized and directed to issue his warrant on the treasurer for the sum of fifteen thousand dollars, payable to the trustees of the said Sycamore church out of any moneys in the treasury not otherwise appropriated, in full satisfaction of the purchase money of said Sycamore church; and the said superintendent is hereby ordered to have the said deed recorded in the manner prescribed by law for recording conveyances of real estate in the city of Richmond.

Deed to be re-
corded

Commence-
ment

2. This act shall be in force from and after its passage.

CHAP. 124.—JOINT RESOLUTION in regard to Adjournment.

Agreed to October 8, 1869.

Resolved, That (with the concurrence of the senate) when the two houses adjourn to-day, they adjourn to meet on Monday, October 18, 1869.

Adjournment
from October 8,
to October 18,
1869

CHAP. 125.—JOINT RESOLUTION Petitioning Congress to Remove the Disabilities of Citizens of Virginia.

Agreed to February 11, 1870.

The state of Virginia having assumed her position as one of the loyal and independent states of the Union, with many of her citizens still laboring under disabilities imposed by the operation of the fourteenth amendment to the constitution:

Be it therefore resolved by the senate and house of delegates of Virginia, That the congress of the United States be hereby petitioned and earnestly urged to remove, without delay, all disabilities incurred by reason of participation in the late war, from all citizens of Virginia.

Asking congress
to remove dis-
abilities of peo-
ple of Virginia

Resolved, That the governor be requested to transmit a copy of these resolutions to the president of the senate and speaker of the house of representatives of the congress of the United States, and also to our senators and representatives in congress.

CHAP. 126.—JOINT RESOLUTION in relation to the present Tax on Tobacco.

Agreed to February 21, 1870.

Whereas, the people in the tobacco-growing sections of the state are, many of them, already greatly embarrassed in their pecuniary matters, and have not the means necessary to put their farms in a condition for profitable cultivation; and whereas, tobacco is pretty much the only production upon which they can depend to raise money; and whereas, many of them, in consequence of the comparatively low price of tobacco at present, and the great cost of producing it, have been constrained to diminish considerably, the quantity which they have heretofore cultivated, and many of them have been compelled to relinquish the cultivation of it altogether; and whereas, tobacco, though it may be classed among the luxuries, is nevertheless a necessity in those sections of the state in which it is the chief staple, and consequently should be placed, by congress, upon the same footing with cotton and sugar and other chief staples; therefore,

Preamble

Asking congress
to reduce tax on
tobacco

1st. Be it resolved (the senate concurring), That congress be, and it is hereby respectfully solicited, by the general assembly of Virginia, so to reduce the tax which is at present imposed upon tobacco, as to give the people of Virginia an equal chance with the people of other states, to increase the material wealth and prosperity of their state.

2d. That this request is not made from any desire, on the part of Virginia, to evade the payment of her just proportion of the burdens of government, but from a clear conviction that the revenue, arising from the tax upon tobacco in Virginia, would, in a few years, be greatly augmented by the reduction of this tax.

3d. That the governor be and he is hereby authorized to present this preamble and these resolutions to congress through the agency of our senators and representatives in that body.

CHAP. 127.—JOINT RESOLUTION requesting the Keeper of the Rolls to Retain Senate Bill No. 105.

Agreed to May 24, 1870.

Keeper of rolls
requested to re-
tain senate
bill 105

Resolved by the house of delegates (the senate concurring), That the keeper of the rolls be requested to retain senate bill No. 105.

CHAP. 128.—JOINT RESOLUTIONS Returning Thanks to Governor and Legislature of Mississippi for Resolutions Expressing Condolence in the Capitol Disaster.

Agreed to June 3, 1870.

Resolved (the senate concurring), as communicated in a message of the governor, dated May 31st, the general assembly of Virginia have received, with feelings of the deepest gratitude, the letter of the governor and joint resolutions of the legislature of the state of Mississippi, expressing condolence with the state of Virginia and the families of her people who have suffered by the late terrible disaster at Richmond.

Returning
thanks to gov-
ernor and legis-
lature of Mis-
sissippi for
resolutions of
condolence in
the capitol
disaster

Resolved, That the heartfelt thanks of the general assembly and of the people of Virginia be returned to the governor, legislature, and people of Mississippi, who, though distant, have, in a manner worthy of our sister state, manifested her sympathy and tendered her condolence in our general sorrow and bereavement.

Resolved, That the governor be requested to transmit a copy of these resolutions to the governor, the president of the senate and speaker of the house of delegates of the state of Mississippi.

CHAP. 129.—An ACT to incorporate the Liberty Savings Bank.

Approved June 10, 1870.

1. Be it enacted by the general assembly of Virginia, That Edward C. Burks, William W. Leftwich, John H. Booth, Samuel Hoffman, William Graves, Lauriston A. Sale, J. Irwin Smith, James F. Johnson, and William V. Jordan, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate by the name and style of The Liberty Savings Bank, and by said name and style are hereby invested with all the rights, powers, and privileges conferred, and made subject to all the rules, regulations, and restrictions imposed, by the Code of Virginia, applicable to savings banks, and not inconsistent with the provisions of this act.

Liberty Savings Bank incorporated

2. The capital stock of said savings bank shall not be less than three thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of ten dollars each.

Capital stock.

3. Said savings bank shall have power and authority to invest its capital stock or other funds in bank or other stocks; in the purchase of bonds issued by this or any other state of the United States, or bonds of any incorporated company; to lend money upon personal or real security; to discount bonds, notes, and bills of exchange, and receive the interest in advance; and to guarantee the payment of notes, bills of exchange, drafts, or other evidences of debt: provided, that nothing in this act contained, shall be construed to authorize said corporation to take or charge, for the loan or forbearance of money or other thing, more than the legal rate of interest: and provided further, that said corporation shall be subject to the provisions of the law relating to banks of deposit.

Shares

Business

4. This act shall be in force from its passage, and be subject to amendment, alteration, or modification, at the pleasure of the general assembly.

Commencement, &c.

CHAP. 130.—An ACT to incorporate the Bank of Goodson.

Approved June 13, 1870.

1. Be it enacted by the general assembly, That Z. L. Burson, W. W. James, J. C. Fowler, W. L. York, J. B. Dunn, and John N. Bosong, together with such other persons as they may hereafter associate with them, shall be and they are hereby constituted a body politic and corporate by the name and style of The Bank of Goodson, and by this name and style are hereby invested with all the rights and privileges conferred on banks of deposit and discount of the state by chapter fifty-nine of the Code, and not inconsistent with the provisions of this act.

Bank of Goodson incorporated

Capital stock
and shares

2. The capital stock of the said corporation shall not be less than ten thousand dollars, in shares of twenty-five dollars each, which may be increased from time to time to a sum not exceeding one hundred thousand dollars.

Who shall be a
director

3. No stockholder shall be eligible to an election as a director who shall not at the time be the absolute owner, in his own right, of at least four shares of the capital stock.

Board; their
powers

4. The board shall regulate the admission of members. It may receive money on deposit and grant certificates therefor, and it may buy, sell, and negotiate bullion, coin, bank notes, foreign and domestic bills of exchange, lend money on personal or real security, and receive the interest in advance; and guarantee the payment of notes, bonds, bills of exchange, or other evidences of debt.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 181.—An ACT appointing Trustees for the town of Occoquan, in the county of Prince William.

Approved June 13, 1870.

Preamble

Whereas, by an act of the general assembly passed January fifth, eighteen hundred and four, entitled an act for establishing several towns, James Ruth, George Gilpin, Thomas Q. Page, Edwin Washington, and John Coffey were appointed trustees of the town of Occoquan, in the county of Prince William; and whereas, it was provided by the third section of said act, that in case of the death, removal, or otherwise of any of the said trustees, it should be lawful for the remaining trustees, or a majority of them, respectively, to supply such vacancy; but whereas, all the said trustees have either died, resigned, or removed, by which a full vacancy has occurred; and for the purpose of putting in operation the act aforesaid—

Trustees of
Occoquan

1. Be it enacted by the general assembly, That John S. Powell, John H. Hamill, Abner Lynn, and Albert A. Sealeman be, and they are hereby appointed trustees of the town of Occoquan, in the county of Prince William, with all the rights, powers, and duties conferred on trustees of towns, either by the act of January fifth, eighteen hundred and four, not inconsistent with the general laws of the state relating to towns, or by chapter fifty-four of the Code of eighteen hundred and sixty, or any acts subsequent thereto.

Their powers,
&c.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 182.—An ACT to Incorporate the Bank of Abingdon.

Approved June 13, 1870.

Bank of Abing-
don incorpo-
rated

1. Be it enacted by the general assembly, That James K. Gibson, John W. Johnston, Floyd B. Hurt, David G. Thomas, James C. Greenway, Arthur C. Cummings, David O. Bradley, and A. W. Aston, together with such other persons as they may hereafter associate with them, shall be and they are hereby

constituted a body politic and corporate, by the name and style of The Bank of Abingdon, and by this name and style are hereby invested with all the rights and privileges conferred on banks of deposit and discount of this state, not inconsistent with this act.

2. The capital stock of the said corporation shall not be less than ten thousand dollars, in shares of twenty-five dollars each, which may be increased from time to time to a sum not exceeding one hundred and fifty thousand dollars.

Capital stock
Shares
Maximum

3. The seven first named in this act shall constitute the board of directors thereof for the first twelve months, and until their successors are elected by the stockholders.

Board of
directors

4. No stockholder shall be eligible to an election as director, who shall not at the time, and for sixty days previous, be the rightful owner of at least four shares of the capital stock. The annual meeting shall be provided in the by-laws. The board of directors shall consist of seven, unless otherwise provided by the by-laws.

Qualification of
director

Annual meeting
Number of
directors

5. The board shall regulate the admission of members. It may receive money on deposit, and grant certificates therefor, and it may buy, sell, and negotiate bullion, coin, bank notes, foreign and domestic bills of exchange, and other evidences of debt; lend money upon personal and real security, and receive the interest in advance, and guarantee the payment of notes, bonds, bills, &c.

Business

6. This act shall be in force from its passage.

Commence-
ment

CHAP. 133.—An ACT authorizing the Trustees of Zion Baptist Church, in the city of Portsmouth, to borrow money and execute a deed of trust on lot of land.

Approved June 13, 1870.

Whereas, it is represented to the general assembly of Virginia, that the trustees of the Zion Baptist Church, of the city of Portsmouth, composed of colored persons, had their church building destroyed by fire in the year eighteen hundred and sixty-nine, on the lot hereinafter to be mentioned; and whereas, said trustees are desirous of borrowing a certain sum or sums of money for the purpose of erecting, on said lot, another church edifice, and of securing the payment of the same; therefore,

Preamble

1. Be it enacted by the general assembly, That it shall be lawful for the legally constituted and appointed trustees of said church to borrow such amount or amounts of money as may be necessary to rebuild their church edifice, and for the securing the same, that they be and are hereby invested with full power and authority to execute a deed or deeds of trust, upon said lot, now held by and legally vested in said trustees, situate in the city of Portsmouth, and bounded as follows: Beginning at the north-east intersection of King and Green streets, thence running east along King street one hundred feet; thence north from King street one hundred and thirteen

Authorizing
trustees of Zion
Baptist Church,
in Portsmouth,
to borrow
money and exe-
cute deed of
trust to secure
same

feet; thence west one hundred feet to Green street; thence south along King street one hundred and thirteen feet to the beginning. And said deed of trust, executed as aforesaid, shall be as effectual and binding as if the same were executed by an individual.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 184.—An ACT authorizing the Trustees of Roanoke College to Borrow Money.

Approved June 13, 1870.

Authorizing
trustees of Roa-
noke College to
borrow money,
and execute
deed of trust to
secure the same

1. Be it enacted by the general assembly, That for the purpose of paying off existing indebtedness and to make necessary improvements, the trustees of Roanoke college be and they are hereby authorized to borrow, from time to time, such sums as may be necessary for the purpose, not exceeding ten thousand dollars, at a rate of interest not exceeding that authorized by law, and to execute a deed of trust on their real estate to secure the same. For the sums so borrowed, certificates shall be issued, either in the form of registered or coupon, payable not exceeding twenty years after date, with the interest payable semi-annually, and authenticated in such manner as the said board, by order entered of record, shall direct.

Certificates for
sums so bor-
rowed, and
interest thereon;
how paid

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 185.—An ACT to empower the Trustees of the Colored Free Will Baptist Church of Winchester, Va., to Sell and Convey the Titles to Certain Parcels of Land, &c.

Approved June 13, 1870.

Trustees of
Colored Free
Will Baptist
Church of Win-
chester to sell
and convey cer-
tain real estate

1. Be it enacted by the general assembly of Virginia, That Albert Franklin, Thos. Clayton, Edwin Holmes, Peter Adams, and James Robinson, trustees for the Colored Free Will Baptist Church of Winchester, Virginia, or the survivors of them, be and they are hereby authorized and empowered to sell and convey title to such portions or parts of the lot (number, one-half of eighteen,) upon which the said church building now stands, as may, in the discretion of the said trustees, be dispensable, and to vest the proceeds of said sales in payment for the erection of said church building.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 136.—An ACT to provide for an Investigation of the Claim of George Peabody & Co. against the Commonwealth.

Approved June 13, 1870.

Whereas, George Peabody & Co., late bankers of London, have asserted a claim against the commonwealth for one hundred and forty-five thousand dollars of Virginia six per cent. coupon bonds, lost on board the Arctic in the year eighteen hundred and fifty-four, which it is desirable should be adjusted as speedily as possible; therefore,

1. Be it enacted by the general assembly, That the board of public works be and they are hereby directed, as speedily as possible, to investigate the said claim, and ascertain what amount, if any, is due thereon, and how the same should be satisfied and discharged; and they will report the result to the general assembly, together with a full abstract of all evidence taken by it on the subject.

Board of public works directed to investigate claim of George Peabody & Co.

To report to general assembly

2. This act shall be in force from its passage.

Commencement

CHAP. 137.—An ACT for the Relief of the Sureties of Wm. S. Northern, late Sheriff of Richmond county.

Approved June 13, 1870.

1. Be it enacted by the general assembly of Virginia, That the sureties, Peter S. Northern and others, of William S. Northern, late sheriff of Richmond county, be and the same are hereby relieved from the payment of one hundred and eighty-eight dollars and ninety-eight cents, amount of damages recovered by the commonwealth of Virginia against the said William S. Northern and sureties, in the circuit court of the city of Richmond, on the ninth day of November, eighteen hundred and sixty-nine, the amount of taxes and interest thereon received on said judgment having already been paid into the treasury: provided, nothing contained herein shall be construed as relieving the said William S. Northern, late sheriff of Richmond county, from payment of said damages.

Relief of sureties of William S. Northern, late sheriff of Richmond county

Proviso

2. This act shall be in force from its passage.

Commencement

CHAP. 138.—An ACT to Amend and Re-enact Section One of an act entitled an act to Amend Sections Three and Four, Chapter One Hundred and Twenty-one, and Section Eight, Chapter One Hundred and Sixty-three of the Code (edition of eighteen hundred and sixty), in regard to Acknowledgments of Deeds, passed February 2d, 1867.

Approved June 17, 1870.

1. Be it enacted by the general assembly, That section one of an act entitled an act to amend sections three and four, chapter one hundred and twenty-one, and section eight, chapter one hundred and sixty-three of the Code (edition eighteen hundred and sixty), in regard to acknowledgments of deeds,

Code of Va., chap. 121, § 3 and 4, amended, as to acknowledgments of deeds

passed February second, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows:

Acknowledgment before justice, commissioner in chancery, or notary in the state

"§ 3. Such court or clerk shall also admit any such writing to record, as to any person whose name is signed thereto, upon a certificate of his acknowledgment before a justice, a commissioner in chancery of a court of record, or a notary public, within the United States, written on or annexed to the same, to the following effect, to wit:

Form of certificate

"(County or corporation of) to wit: I, , a justice of the peace (or commissioner in chancery of the court, or notary public,) for the county (or corporation) aforesaid, in the state (or territory or district) of , do certify that E. F., (or E. F. and G. H., &c.,) whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the day of , has (or have) acknowledged the same before me, in my county (or corporation) aforesaid. Given under my hand this day of . Or upon the certificate of acknowledgment of such person, before any commissioner appointed by the governor within the United States, so written or annexed, to the following effect, to wit: State (or territory or district) of , to wit: I, , a commissioner appointed by the governor of the state of Virginia for the said state (or territory or district) of , certify that E. F., (or E. F. and G. H., &c.,) whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the day of , has (or have) acknowledged the same before me, in my state (or territory or district) aforesaid. Given under my hand this day of , Anno Domini . Or upon the certificate of the clerk of any county or corporation court in this state, or of the clerk of any court out of this state and within the United States, that the said writing was acknowledged by such person, or proved as to him by two witnesses before such clerk, or before the court of which he is a clerk, or upon certificate under the official seal of any minister plenipotentiary, charge d'affaires, consul-general, consul, vice-consul, or commercial agent, appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or of the mayor or other chief magistrate of any city, town, or corporation therein, that the said writing was acknowledged by such person, or proved as to him by two witnesses, before any person having such appointment, or before such court, mayor, or chief magistrate.

Before whom out of the state

"§ 4. When a husband and his wife have signed a writing purporting to convey or transfer any estate, real or personal, she may appear before a court authorized to admit such writing to record, or before the clerk thereof in his office; and if, on being examined privily and apart from her husband by the judge of the court, or by the clerk, and having such writing fully explained to her, she acknowledge the same to be her act, and declare that she executed it willingly, and does not wish to retract it, such privy examination, acknowledgment, and declaration, shall be thereupon recorded in such court, or

Acknowledgment of married woman

"§ 4. When a husband and his wife have signed a writing purporting to convey or transfer any estate, real or personal, she may appear before a court authorized to admit such writing to record, or before the clerk thereof in his office; and if, on being examined privily and apart from her husband by the judge of the court, or by the clerk, and having such writing fully explained to her, she acknowledge the same to be her act, and declare that she executed it willingly, and does not wish to retract it, such privy examination, acknowledgment, and declaration, shall be thereupon recorded in such court, or

in the clerk's office, or she may appear before two justices, who shall be present together, or a commissioner in chancery, or a notary public, within the United States, or before a commissioner appointed within the same by the governor of this state, and such justices, commissioner in chancery, notary, or commissioner may so examine her; and if, after such examination, she may make such acknowledgment and declaration, shall certify the same on or annexed to the said writing, to the following effect—that is to say: State (or territory or district) of _____, county (or corporation) of _____, to wit: I, _____, a commissioner appointed by the governor of the state of Virginia for the said state (or territory or district) of _____, or we _____ and _____, justices of the peace, or I, _____, a commissioner in chancery of _____ court (or notary public), for the county (or corporation) of _____, in the state (or territory or district) of _____, do certify that E. F., the wife of G. H., whose names are signed to the writing above (or hereto annexed), bearing date on the _____ day of _____, personally appeared me (or us), in the county (or corporation) aforesaid, (or if it be a commissioner, in the state, or territory or district aforesaid,) and being examined by me (or us), privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said E. F., acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it. Given under my hand (or our hands) this _____ day of _____, Anno Domini _____. Or if the wife be without the United States, she may appear before any minister plenipotentiary, charge d'affaires, consul-general, consul, vice-consul, or commercial agent, appointed by the government of the United States to any foreign country, or before any court of such country, or the mayor or other chief magistrate of any city, town, or corporation therein, who shall examine her, and make such explanation as is above required, where the wife is in the United States; and if then she make such acknowledgment and declaration as is so required, the person having such appointment, or such mayor or chief magistrate, or the proper officer of such court, shall give a certificate, under his official seal, of the said examination, explanation, and declaration to the effect required, where the wife is in the United States, and upon or annexed to such writing in like manner."

Before two justices, a commissioner in chancery, or a notary

Form of certificate

2. This act shall be in force from its passage.

Commencement

CHAP. 139.—An ACT for the relief of the Sureties of William T. Johnson, late Sheriff of Appomattox county.

Approved June 17, 1870.

1. Be it enacted by the general assembly of Virginia, That in the adjustment and collection of the judgment of the commonwealth of Virginia against William T. Johnson, late sheriff of Appomattox county, and his official securities, the auditor of public accounts is authorized and empowered to

Relief of sureties of William T. Johnson, late sheriff of Appomattox

accept of said sureties the principal of said judgment, with six per centum interest, and cost; and said sureties are relieved from any balance of said judgment after said payment of the principal, six per centum interest, and cost.

Auditor may
forbear collec-
tion of judg-
ment twelve
months

2. The auditor is authorized to forbear the collection of this judgment for twelve months; but if the demands of the commonwealth require it, he is fully authorized to enforce it at an earlier day.

William T.
Johnson not to
be relieved from
damages and
interest
Commence-
ment

3. Nothing herein contained shall be construed as relieving William T. Johnson, sheriff as aforesaid, from the damages and interest above six per centum, recovered against him.

4. This act shall be in force from its passage.

CHAP. 140.—An ACT to Amend and Re-enact an Act entitled an act to Incorporate the Abingdon and Rich Valley Turnpike Company, in the county of Washington, passed February 16, 1867.

Approved June 17, 1870.

Act incorpo-
rating Abing-
don and Rich
Valley Turn-
pike Company

1. Be it enacted by the general assembly, That an act passed February the sixteenth, eighteen hundred and sixty-seven, entitled an act to incorporate the Abingdon and Rich Valley Turnpike Company, in the county of Washington, be amended and re-enacted so as to read as follows:

Route

“§ 1. Be it enacted by the general assembly, That for the purpose of constructing a turnpike road from the town of Abingdon, in the county of Washington, to a point on a new location lately made for a road from Saltville to the Abingdon and Russell turnpike, not west of White's mill nor east of J. W. Davis's farm, in the Saltville valley—the route of said road between the divergence and terminus to be selected and fixed upon by a majority of the stockholders hereinafter incorporated, it shall be lawful to open books for receiving subscription to the amount of two thousand dollars of capital stock, divided into shares of ten dollars each.

Commissioners
to receive sub-
scriptions

“The said books shall be opened under the superintendence of Joseph E. C. Trigg, Adam Shultz, A. C. Thompson, Newton K. White, Wm. J. Hayton, James C. Ineson, Robert Preston, Wm. Y. C. White, Dr. E. M. Campbell, James K. Gibson, John R. Cardwell, James Henritze, and James C. Greenway, or any three of them, at either Abingdon or A. M. Shultz's, and at such other places, under the direction of such other commissioners as a majority of the above-named commissioners may appoint; and it shall be lawful for said commissioners to receive subscriptions, payable in money, labor (to be done on said road), or any article of merchandise, trade, or other property, common and saleable in the county, at such price and payable at such times as may be agreed upon at the time the subscription is made between the commissioners and the subscribers. When stock to the amount of five hundred dollars shall have been subscribed by good and solvent persons, the stockholders, their executors, administrators, and as-

In what sub-
scriptions may
be received

When company
to be regarded
as incorporated

signs shall be and they are hereby incorporated into a company by the name and style of The Abingdon and Rich Valley Turnpike Company, subject to the provisions of the Code of Virginia and the general laws at present in force and hereafter enacted by the general assembly.

"§ 2. Be it further enacted, That so soon as the sum of seven hundred and fifty dollars of the capital stock shall have been subscribed, it shall then be lawful for the stockholders of the said company, after one month's public notice given, to assemble at the town of Abingdon and elect three superintendents of the said road, whose duty it shall be to let to contract and superintend the construction and making of the same. The said stockholders shall also have power to make such by-laws and appoint such officers as they may deem necessary and proper in the construction of the works.

Superintendents; when elected

"The said company shall appoint a surveyor or engineers to survey, grade, and locate the said road, at a grade not to exceed four degrees, nor of a less width than twenty feet, except on hill-sides where digging is necessary, and at such places to be at least fifteen feet wide. The said company shall commence the construction of said work within one year from the passage of this act, and complete the same within two years thereafter."

Surveyor, &c.

Within what time road to be completed

2. This act shall be in force from its passage.

Commencement

CHAP. 141.—An ACT to incorporate the Germania Loan and Land Company.

Approved June 17, 1870.

1. Be it enacted by the general assembly, That Albert Ordway, George W. Harris, John S. Hoffman, J. Hein, Dr. E. Morwitz, F. W. Thomas, E. Coradi, J. D. Harvey, and such other persons as they may associate with them, be and they are hereby declared to be a body politic and corporate by the name and style of Germania Loan and Land company, and as such shall have perpetual succession, and a common seal, which it may renew or alter at pleasure, and may sue and be sued, contract and be contracted with, and make by-laws and regulations not inconsistent with the laws of this state or of the United States, and subject to all general laws now existing or which may be hereafter enacted, so far as applicable to the same.

Germania Loan and Land Company incorporated

2. The capital stock of the company shall be not less than one hundred thousand dollars, which may be increased at any time, and from time to time, by the stockholders, either at regular meetings or at a special meeting, duly called for that purpose, so that such increase shall not exceed the sum of five millions of dollars. Said stock shall be divided into shares of one hundred dollars each, and subscribed under the direction of a majority of the persons hereinbefore named, or of said company, after it has been organized.

Capital stock

Shares

3. The company shall have power to borrow money and issue its notes or bonds therefor in such form as it may from

Business

time to time adopt; it shall also have power to lend money, and take security therefor; to discount, buy, sell, draw, or negotiate notes, bills of exchange, and bonds or other paper, and to receive in advance the interest on such transactions; to buy, have, hold, or sell, on its own account or on commission, real or personal estate: provided, that nothing herein contained shall authorize the taking of a greater rate of interest than that allowed by law.

When franchise shall vest

4. The right of the franchise granted by this charter shall vest so soon as one hundred thousand dollars of stock is subscribed, and ten dollars per share is paid thereon to the persons named in the first section of this act, or to such agent as the majority of them may appoint.

General meeting of stockholders

As soon as this condition is complied with, there may be a general meeting of the stockholders for organization, according to law. And at such general meeting, or at any subsequent meeting, the stockholders may decide as to the terms, manner, and amount of additional subscription to stock, so that the same do not exceed, in the aggregate, the amount hereinbefore provided for.

Voting

5. In all meetings of the stockholders, each share of stock shall entitle the owner to one vote; but no share or shares of stock shall entitle the owner to a vote at any meeting of stockholders when such stock has been transferred within thirty days before such meeting.

Liability of stockholders

6. The personal liability of any and every stockholder shall not exceed the amount which may be due, and unpaid to the company, upon his share or shares of stock.

Office of company

7. The offices of the company shall be at Richmond, Virginia, and at such other points within or beyond the limits of this state, as its business may require.

Commencement

8. This act shall be in force from its passage.

CHAP. 142.—AN ACT to Amend and Re-enact an Act entitled an act to Incorporate the town of Goodson, in the county of Washington, passed March 5, 1856.

Approved June 17, 1870.

Act incorporating town of Goodson amended

1. Be it enacted by the general assembly, That an act incorporating the town of Goodson, in the county of Washington, passed March fifth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows:

Corporation limits

"§ 1. Be it enacted by the general assembly, That the corporate limits of the town of Goodson, in the county of Washington, shall be and are hereby established as follows: Beginning at the intersection of the Virginia and Tennessee states' line and the western boundary line of the town cemetery, and running west with said state line twenty-two hundred yards; thence north nine hundred and fifty yards; thence east twenty-two hundred yards, on a line parallel with the states' line; thence south nine hundred and fifty yards to the point of beginning. And the same shall be and is hereby made a town

corporate by the name of the Town of Goodson, by that name shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia, not in conflict with this act.

"§ 2. The officers of said town shall consist of a mayor, five councilmen, a recorder, and sergeant, who shall be elected by those qualified to vote for members of the general assembly and no other persons. Town officers

"§ 3. The first election of officers under this act shall be held at King's block on the second Tuesday in July next, under the superintendence of John N. Bosang, John Keys, and Jesse H. Pepper, or any two of them, and thereafter the said officers shall be elected annually on the second Tuesday in May. First election; when held

"§ 4. The council shall prescribe the manner of certifying and declaring elections, of deciding between two or more when the number of votes shall be equal, and of filling vacancies in said board. A majority of said council shall constitute a quorum to do business. Duties of council with regard to elections, &c.

"§ 5. The sergeant of said town shall have the like right of distress and power in collecting the taxes and levies made by the council of said town as sheriffs and revenue collectors in similar cases, and shall be entitled to the same or like fees and commissions for collecting said taxes and levies as are allowed for the collection of county levies; and in the service and return of all process, and in the collection of all fines arising under the authority of this act or of any by-laws made in pursuance of this act, he shall have and possess the same rights and powers, and be entitled to the same or like fees, as are allowed by law to sheriffs for similar services. Sergeant; his duties, &c.

"§ 6. The sergeant of said town shall execute before the town council, a bond with conditions such as constables are required by law to enter into, a copy of which shall be certified to the county court of Washington county for record; he shall have power and authority to execute any and all process to him directed; and shall and may do and perform all acts and execute and return such warrants and be liable in the same manner, and to the same extent that constables are liable to, by the laws of the commonwealth. His bond

"§ 7. The mayor, recorder, and councilmen shall and may exercise all jurisdiction of a justice of the peace, in order to preserve the peace and good order in said town, and to this end they and each of them shall be a conservator of the peace, with all the powers and duties authorized to be exercised by such conservator, by the constitution now in force and the laws made in pursuance thereof: provided, that the mayor alone shall have authority and jurisdiction to hear and determine all matters in controversy arising under the laws and ordinances of said town. Jurisdiction of mayor, recorder and councilmen

"§ 8. The council shall have power and authority, whenever they deem it expedient, to establish new streets, to extend and alter any street that has been or may hereafter be established, to have the sidewalks and gutters along any street within said town, of such width as they may prescribe, properly paved or otherwise improved, repaired, and altered, at the proper cost Power of council

and expense of the owner and occupier of the lands or lots along the front or sides of which such sidewalks or other improvements extend, and to levy and collect a special tax, sufficient for that purpose, on each of such lots or pieces of land; which special tax shall be collected by the sergeant of said town, as other taxes on real estate within said town are directed to be collected.

Lien of taxes;
collection of
same

"§ 9. All taxes, general or special, assessed upon lands or lots within the said town under this act, are hereby declared to constitute a lien upon such land or lots in the same manner and to the same extent as state taxes are a lien on real estate in the hands of the owner, or his heirs, devisees, assigns, or any subsequent purchaser or other person claiming the same, and may be collected from such subsequent purchaser entitled to such land or lots in like manner as they might have been collected from the original owner or occupier: provided, that no tax shall be assessed on lands lying with said corporation that is not divided into town lots or held as town property.

Hog, &c., run-
ning at large

"§ 10. The council may prevent hogs, dogs, or other animals from running at large within the corporate limits, and may subject the same to such regulations as it may deem proper.

Power of coun-
cil to impose
fines

"§ 11. The council of said town shall have power to impose fines, not exceeding twenty dollars in amount, for breaches of the peace committed within said town; also for obstructing the streets and sidewalks, or for any wilful or malicious injury done thereto, or to the public property of the town, as may be regulated by ordinance of said council, and confine or imprison till said fines are paid or secured.

Place of con-
finement of per-
sons sentenced
under ordi-
nances

"§ 12. For the purpose of carrying into effect the police regulations of said town, the council are authorized to erect, buy, or rent a suitable building or room for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinance of said town; and all persons so confined shall be under the charge and custody of the town sergeant of said town, who shall receive, keep, and discharge the same in such manner as shall be prescribed by the ordinances of said town, or otherwise discharged by due course of law.

Public square
and town hall

"§ 13. That the mayor and common council of said town be and they are hereby authorized to subscribe for, on behalf of said town, and upon such terms and conditions as they may agree and stipulate, a sum, not exceeding ten thousand dollars, for the purpose of purchasing suitable grounds within the limits of the town for a public square, improving the same, and building a town hall: provided, that no such subscription shall be made until the expediency thereof be submitted to the vote of those persons qualified to vote at the election of said common council, and shall receive the assent of three-fourths of the votes actually polled after thirty days' public notice of the time and place of opening the polls for that purpose.

Council may
borrow money

"§ 14. Be it further enacted, That the said mayor and common council be further authorized to borrow, on behalf of said corporation, such sums of money as will be required to effect

said object, and to assess, levy, and collect such taxes as in their opinion will be necessary for the purpose of paying the interest and reducing the principal of any loan which the said common council may negotiate by virtue of this act.

"§ 15. Be it further enacted, That the said mayor and common council be and they are hereby authorized to issue the bonds of the said corporation for all loans which they may negotiate, for the purposes aforesaid, by virtue of this act, redeemable and payable at such time or times as they may agree and stipulate."

May issue bonds for loans

2. This act shall be in force from its passage.

Commencement

CHAP. 143.—An ACT to authorize the formation of the Atlantic, Mississippi and Ohio Railroad Company.

Approved June 17, 1870.

1. Be it enacted by the general assembly of Virginia, That John Goode, Jr., and Thomas J. Corprew, of the city of Norfolk; George W. Bolling and J. A. Johnston, of the city of Petersburg; E. H. Murrell, of the county of Campbell; Thos. S. Bocock and Robert Early, of the city of Lynchburg; William Watts, of the county of Roanoke; James A. Walker, of the county of Pulaski; Robert Crockett, of the county of Wythe; Abram Fulkerson, of the county of Washington; Henry S. Kane, of the county of Scott; and Peter C. Johnston, of the county of Lee, be and they are hereby constituted a board of commissioners, a majority acting, to effect the organization of the Atlantic, Mississippi and Ohio railroad company, as provided by the terms of this act.

Commissioners to organize Atlantic, Mississippi, and Ohio Railroad Company

2. That the said Atlantic, Mississippi and Ohio railroad company may have a capital stock of twenty-five millions of dollars, such part to be made common, such part preferred, and such part an interest guaranteed stock, as the president and board of directors of the said company may prescribe—all, however, to be rated at one hundred dollars per share, par value.

Capital stock; how divided

3. That it shall be the duty of the commissioners above named, acting directly or by their agent or agents, to arrange with the stockholders, other than the state, of the Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies, as to the relative value of their stocks, and to receive subscriptions to the capital stock of the said Atlantic, Mississippi and Ohio railroad company, to be paid in the stock of the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroads, at such rate or valuation as may have been agreed upon: provided, that such valuation shall allow to each stockholder of the Norfolk and Petersburg, Southside, Virginia and Tennessee railroad companies, subscribing to the capital stock of the said Atlantic, Mississippi and Ohio railroad company, at least as many shares as such stockholder now holds in

Shares

Duty of commissioners with regard to stockholders of companies hereby consolidated

Proviso allowing shareholder in each company an equal number of shares in new company

Joint meeting of stockholders of the several companies

the aforesaid companies; and for the purpose the more readily of arriving at such valuation, it shall be lawful for the stockholders, other than the state, of the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroads, to hold a joint meeting at such time and place as the aforesaid commissioners may designate; and it shall be competent for a majority of the stockholders assembled at such meeting, each company acting separately, to agree upon such valuation: provided, that no stockholder in any one of the said companies shall be required to subscribe or merge his stock in the capital stock of the said Atlantic, Mississippi and Ohio railroad company, without his consent, or except on terms agreed to by such stockholder.

Terms on which stockholder may merge his stock

General meeting of stockholders of consolidated company

4. That whenever it shall appear to the satisfaction of such commissioners that a majority of the stock, as to shares, held in the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroads, or of that held in a majority of the said companies, by others than the state, has been subscribed to the capital stock of the said Atlantic, Mississippi, and Ohio railroad company, a general meeting of the stockholders, so subscribing to the capital stock of the said Atlantic, Mississippi, and Ohio railroad company, shall be held at such time and place as may be designated by the said commissioners; notice of the same to be given by publication in one or more newspapers published in the cities of Norfolk, Petersburg, Richmond, and Lynchburg, and in the town of Bristol-Goodson, unless it shall appear at the joint meeting provided to be held by the terms of the preceding section of this act, that such amount of stock has been subscribed; in which event it shall be competent to proceed then and there to organize the said Atlantic, Mississippi, and Ohio railroad company, as provided by the terms of this act.

Notice; how given

Erosian

Stockholders at general meeting may proceed to organize said Atlantic, Mississippi, and Ohio Railroad Company

5. That the stockholders of the said Atlantic, Mississippi, and Ohio railroad company may, at the general meeting hereinbefore provided, a majority of the stock subscribed being so represented, proceed, under the supervision of the said commissioners, to organize the said Atlantic, Mississippi, and Ohio railroad company, and do such other things in furtherance of the objects of this act as may be lawful to be done; and finally, upon the organization of the said company, so authorized, the functions of the said commissioners shall determine, and the said Atlantic, Mississippi, and Ohio railroad company shall be a body corporate and politic, vested with all the rights and privileges conferred by the laws of the commonwealth, and subject to such as apply to the railway corporations thereof generally.

When said company to be regarded as a body politic

Voting

Directors, &c.

6. That in the primary organization of the said Atlantic, Mississippi and Ohio railroad company, as herein provided, and in all subsequent meetings of the same, each stockholder shall be entitled to cast, in person or by proxy, one vote for each share of stock held in the said company; and at such primary organization it shall be competent to elect such number of directors as the stockholders may see fit, and to determine the mode of electing a president and directors.

7. That the said Atlantic, Mississippi and Ohio railroad company, at any time after its organization, shall have authority, should it so desire, to arrange with the Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies, or with any of the said companies, by lease or otherwise, for the use of the franchise and property of the same, upon such terms as may be agreed upon by their stockholders acting in any general meeting.

Said company may arrange with the other companies for their franchises and property

8. That the said Atlantic, Mississippi and Ohio railroad company, acting by such agent or agents as may be appointed by its president and board of directors, shall be entitled to represent in all meetings of the stockholders of the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies—so long as there shall remain any such distinctive organizations, from the failure of a majority of the stockholders thereof to subscribe or merge their stock in the capital stock of the said Atlantic, Mississippi and Ohio railroad company, as herein provided—all the stock of the said companies which shall have been subscribed to the capital stock of the said Atlantic, Mississippi and Ohio railroad company, casting the same number of votes for each stockholder who may have so subscribed to the capital stock of the said Atlantic, Mississippi and Ohio railroad company, as such stockholder would be entitled to cast by law if such subscription and transfer had not been made.

In all meetings of stockholders of each company, the shares in each subscribed to new company to be represented by said new company

9. That upon the formation of the said Atlantic, Mississippi and Ohio railroad company, as provided by the terms of this act, the board of public works shall be and they are hereby empowered and directed to sell and transfer, for the consideration hereinafter mentioned, to the president and board of directors of the said Atlantic, Mississippi and Ohio railroad company, all the stock held by the commonwealth in the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroads, to be cancelled or distributed among the stockholders of the said Atlantic, Mississippi and Ohio railroad company, in the discretion of the stockholders of the said company, as the stock of other stockholders than the state shall, as to each of the aforesaid companies, become absorbed in that of the said Atlantic, Mississippi and Ohio railroad company; and the said company shall be authorized to appoint such number of directors in the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies, so long as there shall remain any such distinctive organizations, as the state now appoints; and upon all such stock so sold and transferred by the state, the said Atlantic, Mississippi and Ohio railroad company, by such agent or agents as its president and board of directors may appoint, shall be entitled to vote at all meetings of the stockholders of the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies which may be thereafter held, casting the same number of votes as the state of Virginia would be entitled to cast

How commonwealth's stock to be sold and transferred to new company

Said stock to be cancelled or distributed among stockholders of new company

Power of new company to appoint directors in the old companies; upon what terms

Power to vote at all meetings of stockholders of old companies

Board of public works may sell to the new company all the state's claim against the old companies

by law if such sale and transfer had not been made; and the board of public works are further empowered and directed to sell and assign or convey unto the president and board of directors of the said Atlantic, Mississippi and Ohio railroad company, all and whatever claims the state may hold or have against the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies, and in and with the said Atlantic, Mississippi and Ohio railroad company, every claim, right, and privilege shall as firmly vest, as to all such claims, as were vested in and with the commonwealth on account of the same.

How state absolved from all liability for unsatisfied subscriptions to Virginia and Kentucky Railroad Company

10. That in consideration of the sales and transfers of claims and stocks herein authorized and directed to be made, the commonwealth of Virginia shall thereafter be absolved from all and whatever liability for and by reason of her unsatisfied subscriptions to the Virginia and Kentucky railroad company, which it is conditioned shall be completed within six years after the organization of the said Atlantic, Mississippi, and Ohio railroad company; and, in addition, the commonwealth of Virginia shall be entitled to receive four millions of Virginia bonds, or, at the option of the said company, of money, payable by annual instalments of five hundred thousand dollars each, the first payment to be made during the year eighteen hundred and eighty-five; such payment of the four millions of bonds as aforesaid to be secured by a second mortgage upon the property of the said Atlantic, Mississippi, and Ohio railroad company, to be duly executed to the board of public works of the state, immediately upon the surrender of all the aforesaid claims and stocks authorized to be sold. The said mortgage to be, in all respects, subordinate to such first mortgage or deed as the said Atlantic, Mississippi, and Ohio railroad company may have made or may thereafter execute: provided, the amount of such first mortgage or deed shall not exceed the sum of fifteen millions of dollars: and provided further, that a part of such sum equal to the amount of all existing liens upon the roads to be consolidated, shall be set aside for and employed in the discharge of the same, and the remainder employed in the construction of the road to Cumberland Gap and the repairs and improvement of the whole line, so that at no time shall the obligations of the line, prior in dignity to such second mortgage to the state, exceed the said amount of fifteen millions of dollars: and provided further, that the said four millions of state bonds shall bear interest at six per cent. from the first day of July, eighteen hundred and eighty; the interest accruing thereon to be paid in lawful money of the United States, or, at the option of the Atlantic, Mississippi and Ohio railroad company, in state bonds, dollar for dollar: and provided further, that the said Atlantic, Mississippi and Ohio railroad company may, at their option, begin the annual payments in liquidation of said four millions of state bonds in the said year eighteen hundred and eighty; in which event the deferred payments shall carry interest from July first, eighteen hundred and eighty.

Also the state shall receive four millions of Virginia bonds, or of money, payable in annual instalments. When first payment to be made. How payment secured

Said mortgage to be subordinate to any first mortgage now or thereafter made. Proviso

How lien to be discharged

Remainder of fund employed in construction of road to Cumberland Gap, &c.

Prior mortgages at no time to exceed fifteen millions. Interest on state bonds; from what time, and how paid

New company may anticipate annual payments; when

11. That it shall be lawful for the said Atlantic, Mississippi and Ohio railroad company to take subscriptions for any unsubscribed portion of their capital stock, and to receive in payment, at such rate or valuation as may be agreed, lands, materials, city or railroad bonds and stocks; and it shall be lawful for the cities of Norfolk, Petersburg, and Lynchburg, and for the counties of Lee, Scott, and Wise, to subscribe to the capital stock of the said Atlantic, Mississippi and Ohio railroad company in such sums as may be authorized by the qualified voters of such cities and counties voting upon the same; and to this end it shall be the duty of the councils of such cities and the county courts of such counties, in their discretion, to cause a vote to be taken in the manner prescribed by law.

Subscriptions may be in land, materials, bonds of other corporations, &c.

What cities and counties may subscribe, and in what manner

12. That the said Atlantic, Mississippi and Ohio railroad company shall hold all lands acquired under this act in fee simple, with the right to sell and convey the same.

Title to real estate

13. That it shall be lawful for the said Atlantic, Mississippi and Ohio railroad company to issue bonds, or other evidences of debt, at a rate of interest not exceeding the maximum prescribed by law, and to secure the payment of principal and interest by mortgage or otherwise; and it shall be lawful for the cities of Norfolk, Petersburg, and Lynchburg, and for the counties of Lee, Scott, and Wise, to guarantee such payment of any of the bonds or other evidences of debt so issued whenever the qualified voters of such constituencies shall, in the manner provided in the eleventh section of this act, so authorize.

Company may issue bonds; at what rate of interest, and how secured

Payment; how guaranteed

14. That as the stock of the said Norfolk and Petersburg, Southside, Virginia and Tennessee, and Virginia and Kentucky railroad companies, respectively, shall be absorbed by the said Atlantic, Mississippi and Ohio railroad company, as contemplated in the terms of this act, the said company shall become absolutely vested with all the rights of franchise and of property which belong to the same: provided, that a separate account of the property, receipts, and expenses, as to each of the aforesaid railroad companies intended to be absorbed by the operations of this act, shall be kept, in so far as to protect the claims and preserve the rights of stock and bondholders, and of such creditors and stockholders as to each of the said roads as may remain unsatisfied by the Atlantic, Mississippi and Ohio railroad company.

As stock of the old roads is absorbed by new company, said company shall become invested with all their rights, &c.

Proviso.

15. That it shall be lawful for the said Atlantic, Mississippi and Ohio railroad company, upon such terms as shall be agreed upon, to consolidate with any railroad which may be constructed from Richmond to Lynchburg: provided, that in the event of the failure of such consolidation, the said Atlantic, Mississippi and Ohio railroad company, and such railroad from Richmond to Lynchburg, shall mutually arrange for the interchange of passengers and freights; and, the gauge of the two roads permitting, of cars, so that passengers and freights passing from and to the line of such road from Lynchburg to Richmond, shall be subject to no manner of discrimination.

This company may consolidate with any road from Richmond to Lynchburg
Proviso

Freight for or
from Richmond,
and points on
the canal, at pro
rata charges

Proviso

Facilities for
forming junc-
tion, and for
interchange of
freights and
passengers.

Proviso

Proviso

Commence-
ment

16. That the said Atlantic, Mississippi and Ohio railroad company shall, as to freights and tonnage passing to or from the line of its railway, for or from Richmond and points on the line of the James river and Kanawha canal, allow the same pro rata charges as by the Southside railroad and by the other lines connecting with the said Atlantic, Mississippi and Ohio railroad at Lynchburg: provided, that in all computation of such rates with the canal, the same shall be made upon the basis or allowance of not less than seventy miles for the canal from Richmond to Lynchburg, and that the said canal shall not, by reason of this act, be divested of any right or privilege to which it is now entitled by an act passed March sixth, eighteen hundred and forty-nine, authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company, or by any other law.

17. The said Atlantic, Mississippi and Ohio railroad company shall allow any connecting work all proper facilities in and for the formation of a physical junction with the railway tracks of the same, and for the interchange of freights and passengers; and the said Atlantic, Mississippi and Ohio railroad company shall make no higher rate of charge on passengers and freights coming from the line of any such connecting work and destined for any point on the line of the said Atlantic, Mississippi and Ohio railroad, or upon passengers and freights coming from any point on the line of said road and destined for the line of any such connecting work, than is made by the said Atlantic, Mississippi and Ohio railroad company on the like class of passengers and freights for transportation over its own line for the same distance: provided, such connecting work shall observe the same rule in its charges for the transportation of such passengers and freights: and provided further, that if either company shall so arrange its freight cars as to run upon the track of the other, they shall be received and transported to any point of destination on the line of such other road upon just principles, as to the charges for moving, transporting, and delivering such freight cars as may be agreed on by said companies: and provided further, that the freight cars of such connecting road shall be of the same size, pattern, and plan, as those of the said Atlantic, Mississippi and Ohio road.

18. This act shall be in force from its passage.

CHAP. 144.—An ACT to incorporate the Boston and Virginia Soapstone Company.

In force June 18, 1870.

Boston and Vir-
ginia Soapstone
Company incor-
porated

1. Be it enacted by the general assembly of the state of Virginia, That S. S. Clayton and J. E. Clayton, of the city of Baltimore; Chas. W. Cooke and C. H. Tompkins, of the state of Rhode Island; and R. S. Reid, of the state of Virginia, their associates, successors, and assigns, are hereby created and constituted a body politic and corporate by the name, style, and

title of The Boston and Virginia Soapstone Company, for the purpose of working, mining, quarrying, and selling of soapstone, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend in any court of law or equity in all suits or actions; may have a common seal and alter the same at pleasure, and may enjoy all the privileges and powers incident to mining and manufacturing corporations. That the capital stock of said corporation shall not exceed five hundred thousand dollars; the corporators may divide such capital stock into such number of shares as they may decide; they may purchase and hold real estate in this state, not to exceed five hundred acres; may pay for the same with their shares of capital stock, and they shall be considered as full paid shares.

Capital stock

Real estate

2. Be it further enacted, That it shall be lawful for the affairs of said corporation to be managed by three or more directors, not to exceed seven, who shall be chosen annually; they shall have power to fill vacancies in their own body; shall continue in office until others are elected or appointed in their stead, and shall exercise all such powers as by this act are granted and conferred.

Directors

3. Be it further enacted, That the said S. S. Clayton, J. E. Clayton, C. W. Cooke, C. H. Tompkins, and R. S. Reid, or a majority of them, shall meet and organize by choosing from their own number a president and vice-president, appoint a secretary and other servants and agents, make such by-laws, as for the time being they may deem expedient, not inconsistent with the laws of this state or the United States, and manage the affairs of the corporation as directors until others are appointed in their stead.

President and other officers, &c.

4. Be it further enacted, That the said corporation shall exist for fifty years, and shall be subject to the general laws of the state of Virginia concerning mining and manufacturing companies; and that nothing in this act shall be so construed as to confer any banking privileges; and that this act shall be in force from the time of its passage.

Duration of corporation

No banking privileges
Commencement

CHAP. 145.—An ACT to Amend the Charter of the Alexandria and Fredericksburg Railway Company.

Approved June 4, 1870.

1. Be it enacted by the general assembly of Virginia, That the forfeiture of the charter of the Alexandria and Fredericksburg railway company, incurred by reason of the failure of said company to complete said railway within the time specified in section four of its act of incorporation, passed February third, eighteen hundred and sixty-four, be and is hereby waived, and that extension of time for building said railway be granted

Forfeiture of charter of Alexandria and Fredericksburg railroad waived, and time extended for building same

Work to be resumed within one year, and completed in three years
Extension of road to point between Alexandria and Washington, and bridge over river, or connect with other roads

Proviso

Connection with Richmond, Fredericksburg and Potomac road

Proviso

Former act amended

§ 2

Commencement

as follows: that the work on said railway shall be resumed within one year, and the same shall be completed within three years, from the passage of this act, and that the said company be and is hereby authorized to extend said railway to a point on the Potomac river between Alexandria and Washington city, or opposite Washington city, and to bridge said river so far as the state of Virginia can authorize the same, or to connect with the bridge of any railroad company, that may have been or may hereafter be chartered by the congress of the United States, whose road passes or shall pass through the District of Columbia: provided, that in the extension of said railway, it shall in no way interfere with the chartered rights or franchises of any railroad extending between Alexandria and Washington; but this proviso shall not be construed as preventing said Alexandria and Fredericksburg railway from crossing any such railroad.

2. Be it further enacted, That the said Alexandria and Fredericksburg railway company be authorized, at their option, to make the connection of their railway with that of the Richmond, Fredericksburg and Potomac railroad company at the most eligible point on the present railroad from Acquia creek to the city of Fredericksburg, or on any lawfully authorized branch thereof, north of said city: provided, that the said railway shall be constructed from its junction with the Richmond, Fredericksburg and Potomac railroad to Alexandria; before its construction shall be commenced north of Alexandria.

3. Be it further enacted, That the second section of the said act of incorporation, passed February third, eighteen hundred and sixty-four, shall be so amended as to read as follows:

"§ 2. That whenever two thousand shares of said stock shall have been subscribed, and ten per centum thereon paid in good faith, the subscribers, their successors, executors, and assigns, shall be and are hereby declared and constituted a body politic and corporate, under the name and style of The Alexandria and Fredericksburg Railway Company, and shall be subject to all the provisions of the Code and general laws of Virginia applicable to such corporations: provided, that the rates of charge for the transportation of passengers and freight upon the said railway, to or from the city of Alexandria, shall not be ratably higher or other than upon passengers and freight passing over said railway and destined to or coming from the cities of Washington, D. C., and Baltimore, Maryland."

4. This act shall be in force from its passage.

CHAP. 146.—An ACT to establish the Central Lunatic Asylum.

Approved June 7, 1870.

Whereas, it appears to the general assembly that the present lunatic asylums, for persons of unsound mind, are insufficient for the reception and care of all such unfortunate persons; and whereas, there now exist at Howard's Grove, near the city of Richmond, several lots of land, with suitable buildings thereon for the reception and care of such persons, to the use of which the state of Virginia is entitled for the term of ten years next ensuing, from the first day of January, eighteen hundred and seventy, under a lease made and entered into with Bacon Tait, the owner thereof:

1. Be it enacted by the general assembly, That a lunatic asylum is hereby established, to be located temporarily at Howard's Grove, near the city of Richmond, which shall be for the reception and treatment of colored persons of unsound mind; and the governor shall forthwith appoint a court of directors, consisting of eleven persons, as convenient to the said Howard's Grove as may be; and they are hereby constituted and appointed, with their successors, a body politic and corporate, to have perpetual succession, by the name of The Directors of the Central Lunatic Asylum; and by that name may sue and be sued, and may and shall have and use a common seal; and are authorized to take any estate, real or personal, given or to be given to said hospital, or to themselves, for the use thereof, so as the annual income of such donations shall not exceed the sum of three thousand dollars.

Lunatic asylum established at Howard's Grove for colored persons

Court of directors

Their powers, &c.

Amount of real and personal estate

2. The expenses of said asylum shall be provided for and paid in the same manner that the expenses of similar institutions in this commonwealth are now provided and paid.

Expenses; how paid

3. The said lunatic asylum is hereby invested with all the rights, powers, and privileges conferred, and made subject to the rules, regulations, and restrictions imposed, by the eighty-fifth chapter of the Code of Virginia.

Asylum subject to provisions of chap. 85, Code of Virginia

4. This act shall be in force from its passage.

Commencement

CHAP. 147.—An ACT to Amend and Re-enact Section Eight of an act entitled an act Fixing the Salaries of the Judges of the Several Courts of the Commonwealth and the Pay of the Reporter of the Court of Appeals, approved May 18th, 1870.

Approved June 8, 1870.

1. Be it enacted by the general assembly, That the eighth section of the act approved May eighteenth, eighteen hundred and seventy, entitled an act fixing the salaries of the judges of the several courts of the commonwealth and the pay of the reporter of the court of appeals, be amended and re-enacted so as to read as follows:

Act fixing salaries of judges amended

§ 8
Salaries, &c.,
payable
monthly

"§ 8. The salaries of the judges and their mileage shall be paid monthly, out of the treasury of the state; and the auditor of public accounts is hereby authorized and instructed to issue his warrants therefor."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 148.—An ACT to amend act approved May 18, 1870, entitled an act authorizing the Hustings Court of the city of Richmond to impanel a Grand Jury, &c.

Approved June 8, 1870.

Act authorizing
hustings court
of Richmond to
empanel grand
jury amended

1. Be it enacted by the general assembly, That the first section of an act approved eighteenth May, eighteen hundred and seventy, entitled an act authorizing hustings court, city of Richmond, to impanel a grand jury, &c., be amended and re-enacted so as to read as follows:

§ 1
Terms at which
grand jury to be
summoned

"§ 1. Be it enacted by the general assembly, That a grand jury for the hustings court of the city of Richmond, shall be summoned by the sergeant of said city, in the manner prescribed by law, to attend the said court on the first Monday in January, May, July, and October in each year, and at such other terms and on such other days as the judge of said court may direct, either in term or vacation. Said grand jury shall be charged by the judge."

Judge may
direct them to
be summoned
at other terms,
and shall charge
them

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 149.—An ACT Amending and Re-enacting the First Section of an act making an Appropriation for the Payment of Sycamore Church.

Approved June 27, 1870.

Act making ap-
propriation for
payment of
Sycamore
church
amended

§ 1

1. Be it enacted by the general assembly, That the first section of the act entitled an act making an appropriation for the payment of Sycamore church, be amended and re-enacted so as to read as follows:

"§ 1. Be it enacted by the general assembly, That so soon as the trustees of the said Sycamore church shall deliver to the superintendent of public buildings a deed of conveyance to the commonwealth for the said Sycamore church, which deed shall have been first approved by the attorney-general of the commonwealth, and certified by him to be in conformity with the terms and conditions of the contract of purchase and sale, entered into on the tenth day of May, eighteen hundred and seventy, between the said superintendent and trustees, and the said attorney-general shall also have farther certified that the title conveyed by said deed is clear and unencumbered, then the auditor of public accounts is hereby authorized and directed to issue his warrant on the treasurer for the sum of fifteen thousand dollars, payable to the trustees of the

said Sycamore church, out of any moneys in the treasury not otherwise appropriated, in full satisfaction of the purchase money of said Sycamore church; and the said superintendent is hereby ordered to have the said deed recorded in the manner prescribed by-law for recording conveyances of real estate in the city of Richmond."

2. This act shall be in force from and after its passage.

Commence-
ment

CHAP. 150.—JOINT RESOLUTION in relation to Appointment of Commissioners to Ascertain and Define the Boundary Lines between Virginia and Maryland, North Carolina, and Tennessee.

Approved June 27, 1870.

Whereas, the true location of the boundary lines between the state of Virginia and the states of Maryland, North Carolina, and Tennessee, has become uncertain and disputed; and whereas, such true boundary lines are historically described as lines running between certain initial and intermediate points, on certain parallels of latitude; and whereas, such true location of said boundary lines can be ascertained only by accurate scientific survey: therefore,

1. Resolved by the general assembly, That the governor of Virginia be and he is hereby authorized and instructed to apply to the proper officer of the United States government for the assignment of a competent corps of surveyors to the duty of ascertaining and locating the true boundary lines between the state of Virginia and the states of Maryland, North Carolina, and Tennessee.

Governor authorized to apply for corps of surveyors to ascertain boundary lines between Virginia and Maryland, North Carolina and Tennessee

2. That the governor of Virginia be and he is hereby authorized and instructed to appoint two commissioners on behalf of the state, whose duty it shall be to meet, confer, and act with such corps of surveyors, and like commissioners on behalf of other states, if such commissioners be so appointed, as hereinafter provided.

Two commissioners on part of this state

3. That the governor of Virginia be further requested to furnish a copy of these resolutions to the governors of the states of Maryland, North Carolina, and Tennessee, respectively, and to invite the said governors to appoint commissioners to meet, confer, and act with such corps of surveyors and commissioners appointed on behalf of the state of Virginia, as hereinbefore provided.

Copy of these resolutions to governors of Maryland, North Carolina and Tennessee

4. That the commissioners so appointed shall submit to this general assembly, immediately after the completion of their labors, a full and accurate report of their acts and findings, in performance of their duties, as herein prescribed, for ratification or rejection.

Commissioners report

5. This joint resolution shall be in force from its passage.

Commence-
ment

CHAP. 151.—An ACT Appropriating Money to pay for Repairs to Capitol, for Chairs and Desks for House of Delegates, and for Alterations and Fitting Up of Sycamore Church.

Approved June 27, 1870.

Appropriation
of \$2,400 for re-
pairs to capitol,
and fitting up
Sycamore
church

1. Be it enacted by the general assembly, That the sum of twenty-four hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be paid out according to law, for repairs done to the capitol, for desks and chairs for the house of delegates, and for the alterations and fitting up of Sycamore church.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 152.—An ACT authorizing the Virginia Military Institute to Borrow Money, and to Secure the Payment of the Same.

Approved June 27, 1870.

Preamble

Whereas, the library, apparatus, and most of the buildings of the Virginia military institute were destroyed by fire in the year eighteen hundred and sixty-four; and whereas, the authorities of said institute, for the purpose of restoring said loss, have contracted a debt which will soon become payable; and whereas, it is desirable, so as not to impede the operations of the said institute, that the payment of the said debt should be deferred: therefore,

Virginia Mil-
itary Institute
authorized to
borrow money

1. Be it enacted by the general assembly, That said Virginia military institute, by its board of visitors, is hereby authorized to borrow, from time to time, such sums of money as may be necessary to pay off the whole of said indebtedness: provided, however, that the whole amount so borrowed shall not exceed the sum of sixty thousand dollars; and for the sums so borrowed, it shall be lawful for the said institute, by its board of visitors, to issue certificates of indebtedness, signed by the superintendent and countersigned by the treasurer, in sums of one hundred dollars, or any multiple thereof, payable to bearer, not exceeding fifteen years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually, with interest coupons attached.

Certificates of
indebtedness
therefor

State's title to
property there,
vested in the
corporation of
the Institute for
the purposes of
this act
How such
bonds or certifi-
cates may be
secured

2. The title to all property now held by the commonwealth, for the purposes of the said Virginia military institute, shall be and is hereby vested in the corporation known as The Virginia Military Institute, for the purposes only of this act.

3. For the purpose of securing the payment of the bonds herein authorized to be issued, it shall be lawful for the said Virginia military institute to convey by trust deed, mortgage, or in such other manner as the board of visitors may prescribe, all the real estate held by or vested in said corporation.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 153.—An ACT Giving the Consent of this State to the Purchase by the United States, of a lot of Land, in the city of Portsmouth, for the use of a Light House Board.

Approved June 27, 1870.

Whereas, the government of the United States desires to purchase a site of land, for the use of the light house board, in that part of the city of Portsmouth called Gosport, said land binding on Randolph and Water streets, in said city, as will more fully appear by the boundaries defined in the deed of sale to be executed by Mary Ann Hatton and Samuel Watts:

1. Be it therefore enacted by the general assembly of Virginia, That the consent of the general assembly of this state is hereby given to the said purchase, so that congress may exercise such authority and jurisdiction over the place so purchased as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States.

Preamble
Consent of general assembly given to purchase by United States of land in Portsmouth for light house board
Jurisdiction over same

2. This state retains concurrent jurisdiction with the United States over the said place or site, so that courts, magistrates, and officers of the state may take such cognizance, execute such processes, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given.

Concurrent jurisdiction of state

3. That if the purposes of this grant shall cease, or if there shall be for five years consecutively a failure on the part of the United States or the light house board to use said place for the purpose herein expressed, then the jurisdiction herein granted shall cease.

When jurisdiction of United States may cease

4. The said lot of land and the buildings and improvements to be erected thereon for the purpose aforesaid, are hereby exempted from all taxes imposed by this state, or by the constituted authorities of the said city of Portsmouth, so long as the United States shall be and remain the owners thereof.

Said property to be exempt from taxes, &c.

5. This act shall be in force from its passage.

Commencement

CHAP. 154.—An ACT Authorizing the Judge of the Circuit Court of the city of Richmond to Appoint a Crier and Prescribe his Duties.

Approved June 27, 1870.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the circuit court of the city of Richmond to appoint a crier for that court, who shall perform all duties pertaining to the office of sheriff therein except such as relate to the collection of taxes, levies, militia fines, and officers' fees; but the said crier shall not enter upon the discharge of his duties until he shall have given bond in a penalty and with sureties to be approved by the court, conditioned for the faithful discharge of his duties, and until he shall have taken the oath

Crier for circuit court of city of Richmond; how appointed, and duties

Bond

Fees	of office prescribed by law. Said crier and his deputies shall receive the same fees as are allowed by law to sheriffs for similar services.
Deputies	Said crier may, with the approval of the court, appoint as many deputies as may be necessary, the default or misfeasance of any of whom shall be a breach of the condition of the crier's bond.
How long crier to continue	Said crier shall continue in office until the sheriff of the city of Richmond shall be duly qualified.
Commencement	2. This act shall be in force from its passage.

CHAP. 155.—An ACT to Authorize Subscriptions to the Stock of Incorporated Companies by the counties of Rockingham, Augusta, Rockbridge, Botetourt, Craig, and Roanoke, and the towns of Harrisonburg, Staunton, Lexington, and Salem.

Approved June 27, 1870.

County courts of certain counties authorized to order elections as to subscriptions by such counties to stock of joint stock companies	1. Be it enacted by the general assembly, That it shall be lawful for the county court, or the council, or board of trustees of any of the following counties and towns, to wit: Rockingham, Augusta, Rockbridge, Botetourt, Craig, Roanoke, Harrisonburg, Staunton, Lexington, and Salem, to make an order requiring the sheriff or sergeant and commissioners of election, at a time to be designated in such order, not less than one month from the date thereof, to open polls and take the sense of the legal voters of such county or town on the question whether such county or town shall subscribe to the stock of any joint-stock company incorporated to construct a railroad or turnpike through, by, or near such county or town, and by the construction of which such county or town is likely to be benefited. The said order shall state the maximum amount proposed to be subscribed; and in case such order be made by the county court of Rockingham, Augusta, or Rockbridge, or Roanoke, the legal voters residing in the towns of Harrisonburg, Staunton, Lexington, or Salem, as the case may be, shall be entitled to vote upon the question, and the taxable subjects in such town shall be assessed ratably with those of the county, as hereinafter provided.
What the order shall state	
Commissioners to open polls, &c.	2. The commissioners of election, who, if there be none otherwise legally appointed, may be designated by such court, or council, or board of trustees, after taking an oath faithfully to discharge the duties of their office, shall open polls at the various places of voting in such county or town, and at the time designated in said order, and shall conduct such election and close the polls as is provided by law in respect to other elections; and at such election, each of said voters who shall approve such subscription shall deposit a ticket or ballot, on which shall be written or printed the words, "for the subscription"; and each of said voters who shall be opposed to such subscription shall deposit a ticket or ballot, on which shall be written or printed the words, "against the subscription".
Manner of voting	

3. That immediately after the closing of the polls, the commissioners of election at the several places of voting in such county or town, shall count the ballots deposited at such election, and shall make return, within two days after such election, to the judge of such county court, or to the council or board of trustees of such town, of the number of votes cast "for the subscription," and the number of votes cast "against the subscription"; and shall also return to and deposit with the clerk of such court, or council, or board of trustees, in separate packages, the ballots for and against such subscription; and it shall be the duty of such judge, or council, or board of trustees, to cause the ballots to be counted, to correct the polls and to ascertain and certify the result of such election, and to cause the same to be entered in the proper record book of such court, or council, or board of trustees; and if it shall appear that three-fifths of the votes cast at such election are in favor of the subscription, such judge, or council, or board of trustees, shall forthwith enter of record an order requiring the supervisors of the county, or the members of the council, or board of trustees, to meet at a time and place, to be named in the order, to carry out the wishes of said voters. The sheriff or sergeant shall promptly summon the supervisors, or councilmen, or members of the board of trustees, in pursuance of said order.

How ballots counted, and returns made

Ballots to be returned; how

How polls corrected, and result certified

Three-fifths of votes required to decide

How supervisors, &c., summoned

4. If a majority of the whole number of supervisors, or councilmen, or trustees be present at the time and place so designated, they shall proceed to act; if not, they shall adjourn from time to time until a majority are present. The said supervisors, or councilmen, or trustees, a majority of the whole number being present, shall have power to determine what amount of the capital stock, not exceeding the maximum aforesaid, shall be subscribed for on behalf of the county or town, and shall enter of record the amount so agreed to be subscribed; and thereupon shall appoint an agent or agents to make the subscription, which shall be paid in such instalments as may be agreed upon by such board of supervisors, or council, or board of trustees, or as may be called for by the company.

Majority of supervisors necessary to act

They may determine amount of subscription

Agent appointed to make subscription

5. And if in either of said counties or towns an election has already been held on the question of such subscription, in pursuance of the laws in force at the time such election was held, the same shall in all respects be deemed and held to be as valid as if the same had been held under the provisions of this act; and in such case it shall be the duty of the county judge of the county, or of the council, or board of trustees of the town, promptly to ascertain the result of such election, and to certify and enter the same in the proper record book of the county court or council; and if it appear that the majority of the votes cast at such election, required by the laws in force at the time such election was held, were in favor of such subscription, the judge of the county court of such county, or the council, or board of trustees of such town, and the supervisors of such county, when elected, or the councilmen or trustees of such town, as the case may be, shall in all respects proceed to

Elections heretofore, held to be valid

How result ascertained, &c.

	act as provided for in the next preceding section, and as if such election had been held under the provisions of this act.
How quotas paid	6. For the purpose of paying the quotas on said stock as they may be called for, or the instalments of such subscription as they may fall due, the board of supervisors of the county, or the council or board of trustees of the town, shall have power to appoint an agent or agents to negotiate a loan or loans, and to issue bonds to secure the same for and in the name of said county; said bonds may be either registered or with coupons attached, as said board of supervisors, or council, or board of trustees may prescribe; and at the time at which the board of supervisors, or council, or board of trustees makes its levy for such county or town, it shall levy on all the lands and other subjects liable to state tax and county or corporation levy in such county or town, such tax to pay the amount of such subscription, or of such loan or loans as may be authorized, and the interest thereon; or to pay the interest on the bonds of the county or town, so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors, or council, or board of trustees may deem necessary or proper; and from year to year it shall repeat such assessments until the debt and interest be fully paid. But such levy for a year shall not exceed one-twentieth of the whole amount of such subscription and the interest thereon; and such bonds shall be irredeemable for twenty years, and at the pleasure of the board of supervisors, or council, or proper authorities of the county or town, for a period not exceeding thirty years from the date of the same.
Bonds issued for such loan	
Tax to be levied for payment of such subscription or loan	
Limit of such levy	7. That in case a subscription be made by either of the counties of Rockingham, Augusta, or Rockbridge, or Roanoke, the board of supervisors of the county shall levy the necessary tax on the lands and other subjects aforesaid in the town of Harrisonburg, or Staunton, or Lexington, or Salem, as the case may be, as well as on those outside of such town; and the collector of corporation levies shall collect and account for the levies for this purpose in like manner as the collectors of the levies in the counties are by law required to collect and account for such county levies.
Bonds; when redeemable	
Levy of tax on lands in certain towns	
How such levies collected	8. The right to stock in any such incorporated company, subscribed by either of said counties or towns under the authority of this act, shall vest in such county or town; and the board of supervisors of such county, or the council, or other authorities of such town, shall have power, from time to time, to appoint proxies to represent the stock in the meetings of the stockholders of the company, and also an agent to collect the dividends on its stock; which dividends, when collected, shall be applied annually in diminution of the county or town levy.
How stock subscribed for shall vest	
Proxies and agents	
Dividends; how applied	9. All acts inconsistent with the provisions of this act are hereby repealed.
Commencement	10. This act shall be in force from its passage.

CHAP. 156.—An ACT to incorporate the Piedmont and Potomac Railroad Company.

In force June 28, 1870.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Piedmont and Potomac Railroad Company, for the purpose of constructing a railroad from a point on the Potomac river, at or near the Chain bridge, or at or near the Aqueduct bridge, or upon some railroad leading to one of them, to Aldie, in the county of Loudoun; thence to connect with the Orange, Alexandria and Manassas railroad, at or near Rectortown, in the county of Fauquier; and thence to or near Luray, in the county of Page, to connect with the Shenandoah Valley railroad or the Luray Valley railroad.

Books of subscription for stock of Piedmont and Potomac Railroad Company

2. Be it further enacted, That the following persons are appointed commissioners to receive such subscriptions, namely: R. S. Cox, B. P. Nowland, Wm. M. Berkley, Henry D. Cooke, Wm. W. Corcoran, J. W. Thompson, J. G. Vials, and S. A. Buckner, to open books and receive subscriptions at Aldie, Loudoun county; Robert Beverly, E. C. Turner, R. H. Carter, Alfred Glascock, and John Marshall, to open books and receive subscriptions at Rectortown, Fauquier county; Henry W. Thomas, F. A. Dickens, J. P. Machin, R. W. N. Nowland, Wm. Ayre, W. T. Rumsey, B. Canfield, and E. R. Ford, to open books and receive subscriptions at Fairfax Courthouse; Isaac D. Budd, Hamilton Rogers, Hugh Caperton, Henry W. Sweeney, Charles H. Cragin, M. D., and James A. McGruder, to open books and receive subscriptions at Middleburg, Loudoun county; Zeph. Turner, J. Y. Menefee, W. D. Hackley, and J. F. Strother, to open books and receive subscriptions at Washington, Rappahannock county; John W. Watson, Andrew Broadbuss, Joseph Crane, Jr., Isaac Long, and Col. Andrew Keyser, to open books and receive subscriptions at Luray, Page county. A majority of the commissioners appointed at each place, respectively, may act as if alone named. The commissioners (or a majority of them appointed for Loudoun county) are further authorized, either in person or by an agent or agents by them appointed, to open books and receive subscriptions, to be made by individuals or corporations, at any place or places out of this state; and subscriptions to said capital stock by any other railroad companies, domiciled either without or within this state, are hereby allowed to be made and received in the discretion of said Loudoun county commissioners.

Commissioners

3. Be it further enacted, That the capital stock of said company shall not be less than one hundred thousand dollars nor more than four millions dollars, to be divided into shares of one hundred dollars each. Whenever the said first mentioned amount shall be subscribed, the subscribers shall be incorporated by the name and for the purposes mentioned in the first section of this act, and shall have full power and authority to effect the same.

Capital Shares

Company may
borrow money;
how same may
be secured

4. Be it further enacted, That it shall be lawful for the said company, by and with the consent of the stockholders in general meeting assembled, to borrow money, for the purposes of this act, at a rate of interest not exceeding that allowed by law; to issue certificates of said loans, and to pledge any and all the property of said company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon.

Amount of land
subscribed

5. Be it further enacted, That it shall be lawful for the said company to receive not exceeding one hundred thousand acres of land in payment of subscriptions of stock: provided, that it shall not be lawful for the said company to hold any land under this act longer than ten years from the completion of the section of the road along which the said land shall lie, except that necessary for the use of the road.

Limit of time of
holding such
land

Connections
with other roads

6. Be it further enacted, That the company hereby incorporated shall have the right to make convenient connections with any other road or roads now or hereafter to be constructed in this state.

When company
may work their
road

7. Be it further enacted, That when the company shall have completed and equipped their said road from a point on the Potomac river at or near the Chain bridge, or at or near the Aqueduct bridge, or upon some railroad leading to one of them, to any of the points named in the first section of this act, they are hereby authorized to work the same as if entirely finished: provided, that the construction of that section of the said road which lies between Aldie and the point at which it shall cross the Alexandria, Loudoun and Hampshire railroad, shall be commenced simultaneously with the work on the section between the said point of crossing and the city of Georgetown, and so prosecuted that for every mile of said road constructed on the section last named, there shall be constructed one mile on the section first named.

Proviso

Commence-
ment, &c.

8. This act shall take effect from and after the passage thereof, and shall be subject to all general laws now existing, or which may be hereafter passed, in reference to works of internal improvement.

CHAP. 157.—An ACT to Prescribe in What Manner and on What Conditions a Householder or Head of a Family shall Set Apart and Hold a Homestead and Personal Property, for Benefit of Himself and Family, Exempt from Sale for Debt.

Approved June 27, 1870.

Value of real or
personal, or
both, exempt
from debt

1. Be it enacted by the general assembly of Virginia, That every householder or head of a family shall, as provided for by the constitution, be entitled, in addition to the articles exempt from levy or distress for rent by statute on the day the present constitution of Virginia went into effect, to hold exempt from levy, seizure, garnisheeing, or sale, under any execution, order, or other process, issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore

or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process, issued on any demand, in the following cases: first, for the purchase price of said property, or any part thereof; second, for services rendered by a laboring person or a mechanic; third, for liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney at law, for money collected; fourth, for a lawful claim for any taxes, levies, or assessments accruing after the first day of June, one thousand eight hundred and sixty-six; fifth, for rent hereafter accruing; sixth, for the legal or taxable fees of any public officer, or officers of a court, hereafter accruing.

Exceptions to exemption

Purchase price of homestead property
Services of mechanic
Liabilities of public officers, &c.
Claim for taxes, &c., since 1866
Rent hereafter accruing
Fees of officers

2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered or docketed on and after the seventeenth day of April, one thousand eight hundred and sixty-one, and before the second day of March, one thousand eight hundred and sixty-seven, for any debts contracted previous to the fourth day of April, one thousand eight hundred and sixty-five, except debts of the character mentioned in either of the above first three exceptions.

As to liens heretofore acquired by levy or judgments docketed on account of debts contracted before 4th April, 1865

3. Nothing contained in this act shall be construed to interfere with the sale of the property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge, or other security thereon. In all cases where a debtor or contractor shall declare in the body of the bond, note, or other evidence of the debt or contract, that he waives, as to such debt or contract, the exemption from liability of the property which he may be entitled to hold exempt under the provisions of this act, the said property, whether previously set apart or not, shall then be liable to be subjected for such debt or contract, under legal process, in like manner and to the same extent as other estate of the said debtor or contractor: provided, that when such debtor or contractor is possessed of other estate than that which he may be entitled to hold exempt from liability, in the county in which suit is brought against him, or the property set apart under the provisions of this act may be, then such other estate shall be subjected and exhausted before that which the said debtor or contractor may be entitled to hold exempt is sold: and provided further, that no waiver under this section shall apply to any property exempt from levy or distress for rent under any statute in force at the time of the adoption of the existing constitution, and not abrogated by it.

Sale under mortgage, trust, or other security, not to be interfered with
Waiver in bond, &c.

Homestead property liable under such waiver

Proviso
Property not subject to exemption to be first taken

Waiver not to apply to property exempt before the adoption of the constitution

The following, or equivalent words, shall be sufficient to operate as the waiver provided for in the previous section: "I (or we) hereby waive the benefit of my (or our) homestead exemption as to this debt, obligation, or contract," as the case may be.

Form of waiver

How benefit of homestead to be secured; by deed

Description of property

Proviso

Homestead in equitable as well as in legal estates
Property subject to mortgages, &c.; how subject to claim of homestead
Property subject to liens of judgments for debts before April 4, 1865
Partition in homestead; how ascertained
Report of commissioners

When real estate is to be sold or extended by legal process before homestead has been laid off, how homestead may then be laid off
On complaint of excessive homestead, court may appoint commissioners

Where homestead cannot be set apart therein; proceedings how

4. To be entitled to the full benefit of a homestead, exempt from levy, seizure, garnisheeing, or sale, said householder or head of a family shall declare, by deed duly recorded in the deed-book of the county in which such homestead, or the greater part thereof, is situated, his intention to claim such homestead, with a description of the property so claimed as such homestead; or if it is intended to claim such homestead in property of greater value than is specified in the first section of this act, or in property held in joint tenancy, coparcenary, or in common, a reasonable certain description of the property out of which such homestead is intended to be claimed: provided, that in case such intent shall be expressed in the deed or will conveying such property, it shall not be necessary for the householder or head of a family to execute a deed declaring such intent. A homestead may be claimed in equitable as well as legal estates.

5. Property subject to mortgages, deeds of trust, or other liens, shall be subject to the claim of homestead upon the payment or discharge of such liens; but said property, so far as the liens mentioned in the second section are concerned, shall be subject to the claim of homestead without the payment or discharge of such last named liens. If partition is necessary in any case in order to ascertain the homestead, the same may be had as now prescribed by law, and the commissioners appointed to make partition, shall, after the partition is made, report also to the court appointing them, by metes and bounds, the homestead chosen by the party entitled thereto; which report, when confirmed by said court, shall be recorded.

6. Whenever it is proposed to sell, extend, or rent by decree or other legal process, the real estate of any householder or head of a family, and the homestead shall not have been laid off as prescribed by law, such householder or head of a family may thereupon make selection of a homestead by deed as prescribed in section four of this act; but should such homestead, or any homestead selected under this act, be charged to be excessive, the court by whose order the same is directed to be sold, extended, or rented, shall appoint three disinterested commissioners, being freeholders, not connected with any of the parties, who, after being duly sworn, shall examine the premises, and set apart therein a homestead for the debtor and his family, and return a written description of the same to the court, in order that the same may be recorded as the homestead. When the real estate proposed to be sold, extended, or rented is of greater value than the said householder or head of a family may be entitled to as a homestead, and is so situated that a homestead cannot be set apart therein, the said commissioners shall report the facts to the court under whose order they are acting; whereupon, the court shall order a sale of the whole tract, and out of the proceeds of the sale shall order to be invested such amount as the said householder or head of a family may be entitled to as a homestead, in the purchase, under his direction, of a homestead for him and his

family, and the surplus to be applied to the payment of the debt for satisfaction of which the land was sold. For good cause shown the court may, upon the return of the assignment or appraisement aforesaid, appoint new commissioners, and order a re-assignment or re-appraisement of the property claimed as a homestead, and the said commissioners shall return their proceedings to said court for its confirmation or rejection. But in every case where such commissioners shall make an assignment of homestead under this section, they shall make it out of such part of the property from which it is to be taken as may be selected by the party entitled thereto, and the homestead so purchased or assigned as aforesaid, shall be duly recorded as aforesaid.

Re-assignment or re-appraisement of property claimed as homestead

Assignment; how made and recorded

7. A homestead so set apart or purchased shall not be mortgaged, encumbered, or aliened by the owner, if a married man, except by the joint deed of himself and wife, executed and acknowledged after the manner of conveyances of lands of a married woman; but the husband may, without the consent of his wife, mortgage such homestead for the purchase money thereof, or for buildings erected thereon. A homestead may be sold by the joint act of the husband and wife, or by the act of the householder, if unmarried, and the proceeds invested in another homestead; but in no case shall the purchaser be required to see to the application of the purchase money. But the acquisition of a new estate of homestead shall determine any prior or other estate of homestead, and unless, upon the face of the deed under which it is held, it is expressed to be such homestead, it shall be so declared, by deed duly recorded in like manner as in the case of an original selection of homestead.

How homestead mortgaged, encumbered, or aliened

How for purchase money or buildings thereon
How homestead may be sold

Purchaser not to see to application of purchase money
New homestead to determine other estate of homestead

8. The homestead provided in this act, shall continue, after his death, for the benefit of the widow and children of the deceased until her death or marriage, and after her death or marriage, for the exclusive benefit of his minor children, until the youngest child becomes twenty-one years of age; after which period it shall pass, according to the law of descents, as other real estate, or as may be devised by said householder, not being subject to dower, yet subject to all the debts of the said householder or head of a family.

Homestead after death of husband; how long to continue

How it shall pass and descend

9. If the wife obtain a divorce from the husband on account of his fault or misconduct, the title to the homestead shall be decreed to the wife and minor children as if he were dead.

Where wife obtains divorce

10. If any such householder or head of a family shall have departed this life since the adoption of the present constitution, leaving a widow or infant children, and such homestead shall not have been selected or assigned in the lifetime of said householder, she, if remaining unmarried, or they, if she marry or die before such selection, shall be entitled to claim the same; and the court shall appoint commissioners to assign the same in the same manner that commissioners are appointed to assign dower; and the homestead so assigned, shall be held by the widow and children to the extent and on the same condi-

Where husband dies without having selected homestead, how assigned and held

How homestead vested in widow and minor children may be sold

tions prescribed in section eight of this act; and it shall be lawful, when the homestead becomes vested in a widow and minor children, or any of them, for the circuit court of the county or city in which such homestead lies, upon petition filed for that purpose by the widow, or infants by their next friend, to order a sale of the homestead, and the investment of the proceeds thereof in another homestead, or otherwise, when it appears to the court that it is for the benefit of the parties interested that the same shall be done. All homesteads under this section shall be duly recorded as aforesaid.

Where homestead is not of the full value allowed, personal property may be set apart

11. If in any case the homestead selected under the preceding section is not of the value of two thousand dollars, such householder or head of a family, in addition to the articles exempt from levy or distress for rent by statute on the day the present constitution went into effect, may select, set apart, and hold, exempt from levy, seizure, garnisheeing, or sale, so much of his personal property, including money and debts due him, as added to the value of such homestead, will make the sum of two thousand dollars, and if such householder or head of a family has not selected and does not claim a homestead under this act, he may, in addition to the articles exempt from levy or distress for rent on the day the present constitution went into effect, select, set apart, and hold, exempt from levy, seizure, garnisheeing, or sale, so much of his personal property, including money and debts due him, as will not exceed in value two thousand dollars; and he shall, in either case, in writing, designate the personal property so selected by him, and each article thereof, affixing thereto his cash valuation of each article, and shall return such writing to the clerk of the county court wherein he resides, to be recorded.

Where householder does not claim homestead under this act, he may set apart the full value in personal property

Property to be designated and valued in writing, and recorded

How property so set apart to be held

12. The personal property selected under the next preceding section shall be held in the same manner, under the same limitations, and subject to the same conditions, as to incumbrance and sale, and in all other respects as provided for by this act in the case of the homestead to be set apart under it, and in case no such selection shall have been made, and the householder be dead, leaving a widow or infant children, she may, if unmarried, make such selection, or if she be dead or married, the infant children may, by their guardian, or their next friend, make the same, and the same shall be recorded and held and distributed as provided for in the case of a homestead so set apart.

How widow or infant children may make selection

Sale and investment of such property; how designated and recorded

13. When there shall be a sale and re-investment of the personal property selected under the eleventh and twelfth sections of this act, a designation thereof shall, in like manner, as provided by said eleventh section, be returned to the clerk of the county court of the county in which the householder or head of a family resides, to be recorded.

Where plaintiff, in execution, &c., is dissatisfied with valuation, proceedings thereupon

14. If the plaintiff, in an execution, distress warrant, or attachment, shall be dissatisfied with the valuation of the property selected as provided for in the eleventh and twelfth sections of this act, upon application, the judge of the county court in which the property is, shall appoint three disinterested

freeholders, who shall assess the value of such property upon oath, and if found to exceed the amount to which the householder, head of a family, widow, or minor children may be entitled, the surplus shall be liable to the execution, warrant, or attachment.

15. Provided, that the homestead and property selected and set apart as aforesaid, under the provisions of this act, shall not be exempt from levy, seizure, garnishee, or sale, upon any execution, order, or other process, issued on any demand, in the following cases:

Cases in which homestead and personal property shall not be exempt from levy

First—For the purchase price of said property, or any part thereof.

Second—For services rendered by a laboring person or a mechanic.

Third—For liabilities incurred by any public officer, or officers of a court, or any fiduciary, or any attorney at law, for money collected.

Fourth—For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six.

Fifth—For rent hereafter accruing.

Sixth—For the legal or taxable fees of any public officer, or officers of a court, hereafter accruing.

Seventh—For any debt or contract as to which the debtor or contractor has waived, as hereinbefore provided, the exemption to which he is entitled under this act.

16. Any householder or head of a family who shall have failed to select and set apart a homestead and personal property which he claims to hold as exempt from levy or sale, according to the provisions of the foregoing sections, and who desires to avail himself of the benefit of the exemptions provided for in this act against a creditor proceeding to enforce the lien of his judgment or execution, must file an inventory, under oath, in the court where the judgment, decree, or order is obtained, or with the officer holding the execution, of the whole of the real and personal property owned by him at any time before the sale of the property; and it shall be the duty of the commissioner acting under such order or decree, or the officer to whom the execution is directed, to apply forthwith to the judge of the county court in which such property is, either in term time or vacation, who shall appoint three disinterested freeholders of the county or city, which freeholders, after being duly sworn by said officer, shall appraise said property at its cash value.

Where householder has failed to select homestead, &c., and creditor is proceeding to enforce judgment, proceedings thereupon

Duty of commissioner or officer

17. Upon such inventory and appraisement being completed, the said householder or head of a family claiming the benefit of such exemption, or his authorized agent, may select from such inventory an amount of such property, not exceeding, according to such appraisement, the amount or value herein exempted, and the said officer or creditor may proceed to enforce the lien of said judgment or execution upon the residue of the said property, free from such claim for exemption.

Householder may select from inventory enough to full amount entitled to exemption, and balance may be sold

18. This act shall be in force from its passage.

Commencement

CHAP. 158.—An ACT to incorporate the New Masonic Temple Association of Bridgewater, Virginia.

Approved June 27, 1870.

Preamble

Whereas, it is represented to the general assembly of Virginia that John W. F. Allemong, Philander Herring, John W. Jacobs, James F. Lowman, and William Pifer, and sundry others, did, in the year eighteen hundred and sixty-six, as a joint stock association, agree to take and pay for stock in said association for the purpose of erecting a public building in Bridgewater, for business rooms, to be rented out or to be used for such other purposes as the said association might order and direct; said building to be known by the name of The New Masonic Temple of Bridgewater, Virginia:

And whereas, the said parties and their said associates, believing that there was a general law authorizing the same, did proceed, in the year aforesaid, to issue and take stock in said association to the amount of about six thousand dollars, and did erect the building aforesaid on a lot in said town, purchased by them for that purpose, and have ever since used the said building, under the name of The New Masonic Temple, for the purposes aforesaid:

And whereas, the said parties and their said associates have discovered that there is no such general law authorizing such associations, and the issuing and sale of stock for the purposes aforesaid, as they supposed, they now desire an act of incorporation granting to them full power to consummate the objects and purposes of their said association, and also to impart validity to what they have already done, and especially to the stock which they have so issued, taken, and sold in shares of ten dollars each, as aforesaid: therefore,

New Masonic
Temple Association
of
Bridgewater
Incorporated

1. Be it enacted by the general assembly of Virginia, That John W. F. Allemong, Philander Herring, John W. Jacobs, James F. Lowman, and William F. Pifer, and their associates be and they are hereby appointed a body politic and corporate, by the name of The New Masonic Temple Association of Bridgewater, by which name they shall have perpetual succession, may sue and be sued, contract and be contracted with, and have and use a common seal, with power to purchase, take, and hold lands and tenements, goods and chattels and moneys for the use and benefit of said association, and especially to hold, use, and enjoy the new masonic temple building aforesaid, in Bridgewater, together with the lot of land upon which the same is situated; but the lands which the said association may so hold or acquire shall not exceed five acres.

Capital

2. The capital stock of said company shall not be less than six thousand dollars nor more than twenty thousand dollars, to be subscribed in shares of ten dollars each, in like manner and form as heretofore, and the said stock, issued by said association heretofore, and sold and taken as aforesaid, shall be valid and binding upon said company as fully, to all legal intents and purposes, as the stock which said association may

Shares

Stock heretofore
issued, valid

hereafter issue; and the capital stock of said association shall be deemed personal estate, and may be transferred on the books of said association, including the shares heretofore issued as aforesaid, as well as that which may be issued hereafter, by said association, in such manner as the by-laws may prescribe.

Stock deemed personal estate; transfer of same

3. Books may be opened in said town of Bridgewater, under the direction of the above named persons, and at such other places, and under the direction of such other persons, as said association may appoint, for the purpose of receiving further subscriptions to the stock of said association, for the purposes aforesaid.

Books of subscription; how opened

4. There shall be a board of trustees for the management of the affairs of the said association to consist of five persons, and the five persons named in the first clause of this bill shall constitute the first board of trustees, and shall hold their offices until the stockholders, in general meeting, shall elect another board.

Board of trustees

5. The stockholders shall annually, in general meeting, elect five trustees, at such time as they may designate in their by-laws; but should the trustees not be elected, in any year, on the day appointed for that purpose, the corporation shall not, for that cause, be dissolved, but the trustees in office shall continue in office until a new election be thereafter effected as may be provided by said association.

Five trustees to be elected annually

6. The said association shall have power to make any regulations or laws, for their government, and the government of the company, not inconsistent with the laws and constitution of this state, or of the United States.

By-laws

7. The board of trustees shall appoint one of their own body president, and may appoint such other officers as they may think proper; prescribe the duty of the officers, fix the rate of compensation to be paid to them, take bond and security of such officers as they may deem proper, and in such penalty as they may prescribe; but no member of the board of trustees shall be eligible to any office but that of president and treasurer.

President and other officers

8. A majority of the trustees shall constitute a quorum for the transaction of business, and the board of trustees shall have power to supply any vacancy that may occur in the board.

Quorum, &c.

9. Leases, contracts, and conveyances, when duly authorized by the association, may be executed and acknowledged for record, on behalf of the association, by the president, or by any other person specially authorized by the board of trustees.

Leases, contracts, &c.; how executed, &c.

10. The association shall have a lien on the stock of any stockholder for any moneys due or accruing from him to the company, and if any subscriber, for any of the capital stock of the company, shall fail to pay the amount due for the same, in money installments therefor, when required by the board of trustees, the same may be recovered by action or by motion, after ten days' notice thereof, in any court, or before a justice of the peace, having jurisdiction.

Lien on shares of stockholder for indebtedness

Real estate;
how managed
or disposed of

11. The said association may improve, lease, or sell, or otherwise manage or dispose of the real estate which it now has or may hereafter lawfully acquire; but the same shall not be sold except in pursuance of a vote taken at a general meeting of the stockholders, and those representing a majority of shares of stock concurring therein.

General meet-
ing

12. The presence of a majority in interest of the stockholders shall be necessary to constitute a general meeting, but the presence and votes of stockholders may be in person or by proxy.

Commence-
ment

13. This act shall be in force from its passage.

CHAP. 159.—An ACT to incorporate the Jackson Female Institute at Abingdon.

Approved June 27, 1870.

Trustees of
Jackson Female
Institute
incorporated

1. Be it enacted by the general assembly, That Wm. Y. C. White, Theophilus P. Capp, James W. Preston, S. A. Preston, David C. Dunn, Floyd B. Hurt, D. G. Thomas, John G. Kreger, David C. Greenway, H. S. Preston, E. H. Barnett, George R. Barr, James W. Humes, George W. Palmer, A. C. Cummings, Isaac B. Dunn, Joseph R. Anderson, and their successors, be and they are hereby constituted a body politic and corporate under the name and style of The Trustees of the Jackson Female Institute, and by that name have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, in any court of law or equity, and the said trustees of the Jackson Female Institute shall be capable in law to receive, hold, and dispose of real and personal property, in order to carry out the purposes of their incorporation: provided, the amount of said real and personal estate shall not exceed one hundred thousand dollars.

Limit of pro-
perty

Officers, &c.

2. The said Jackson Female Institute shall be under the control and management of the said trustees and their successors, who shall appoint a treasurer and all necessary officers and professors, and from time to time make such by-laws, rules, and regulations for the government of the institution as to them shall seem fit, not inconsistent with the laws of this state or of the United States.

Board of trust-
tees

3. The board of trustees, two-thirds concurring, shall have power to remove any trustee for good cause, and whenever any trustee shall absent himself from three successive meetings, without assigning a sufficient reason at the fourth, the trustees of said institute shall have power, by entry on their minutes, to declare his seat vacant.

Quorum

Vacancy; how
filled

4. Seven of the trustees shall constitute a board for the transaction of ordinary business, and any vacancies in said board of trustees, occasioned by death, resignation, or otherwise, shall be filled by appointment, alternately, by the surviving trustees and the trustees of the Sinking Spring Presby-

terian church in Abingdon—the surviving trustees filling the first vacancy that occurs.

5. The treasurer shall receive all moneys accruing to the institute and property delivered to his care, and shall pay or deliver the same to the order of the board of trustees. Before entering upon the discharge of his duties, he shall give bond, with such security and in such penalty as the board shall direct, made payable to the trustees for the time being and their successors, and conditioned for the faithful performance of the duties of his office in all such rules and regulations as the board may adopt.

Treasurer; his duties and bond

6. The said board of trustees shall have power, either by themselves or their agents, to take and receive subscriptions for said institute, and in case any person shall fail to pay his or her subscription, to enforce the payment thereof by warrant before a magistrate, or by motion in any court of record in this commonwealth, according to the amount of said subscription, giving ten days' previous notice of said motion.

Subscriptions; how received, &c.

7. In order to promote the endowment of said institute, it shall be lawful for the trustees to issue and grant certificates of scholarships, setting forth the amount of such scholarship, which may be either perpetual or limited, and for such amounts and upon such conditions as the trustees may determine, entitling the holders of such scholarships to such rights as to placing pupils in the school, and upon such terms, as may be set forth therein on their face, which said certificates of scholarship may be transferred, bequeathed, or otherwise disposed of as any other property.

Certificates of scholarship

8. The board of trustees, in connection with the president and professors of the institute, shall have power to confer such diplomas and literary titles as they may think best calculated to promote the cause of female education.

Diplomas, &c.

9. This act shall be in force from its passage.

Commencement

CHAP. 160.—An ACT to incorporate the North Loudoun Turnpike Company.

Approved June 27, 1870.

1. Be it enacted by the general assembly, That it shall be lawful to open books at Leesburg, in the county of Loudoun, under the direction of B. F. Sheetz, W. B. Lynch; L. W. S. Hough, Charles P. Janney, and Henry C. Sellman; and at the following places in said county, namely: at Clark's Gap, under the direction of R. G. Bowie, John V. Tavenner, T. M. C. Paxson, Washington Vandervanter, and C. Boyd Barrett; at Waterford, under the direction of William Williams, James M. Walker, Jacob Scott, Samuel A. Gover, and Griffith W. Paxson; at Wheatland, under the direction of W. A. Stroud, George L. Moore, David Conner, John Leslie, and Thomas Camp; at Hillsborough, under the direction of William Hough, E. F. Potts, James M. Kilgour, James C. Janney, and Henry

Commissioners to receive subscriptions

Gover; and at Neersville, under the direction of Joseph Conrad, W. Hilt Grubb, John Clendening, James Grubb, and Nathaniel Prince, for receiving subscriptions, in shares of one hundred dollars each, for the purpose of constructing a turnpike from Leesburg by Clark's Gap, Waterford, Wheatland, Hillsborough, and Neersville, to Harper's Ferry: provided, that any two of the commissioners named at each place may constitute a quorum to open said books.

Sections of the road

2. Be it further enacted, That the sections of the road shall be as follows, namely: first section, from Leesburg to Clark's Gap, over the bed of the Leesburg and Snicker's Gap turnpike; second section, from Clark's Gap to Waterford; third section, from Waterford to Wheatland; fourth section, from Wheatland to Hillsborough; fifth section, from Hillsborough to Neersville; and the sixth section, from Neersville to the Virginia and West Virginia state line: provided, that said section may extend to Harper's Ferry, if the consent of West Virginia be first obtained to this act.

Proviso

When company to be incorporated

3. Be it further enacted, That when ten thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company under the name and style of The North Loudoun Turnpike Company, subject to the provisions of the Code of Virginia, subject to the provisions of the laws of Virginia which are now in force or may hereafter be passed, applicable to such companies, except as herein provided, and that the ultimate capital stock may be one hundred and fifty thousand dollars.

Lateral branches

4. Be it further enacted, That said company are hereby authorized to build lateral or branch roads in any direction, not exceeding twelve miles each, and for such purpose may open books of subscription at such places and times, and under such regulations and persons, as the board of directors may prescribe.

Subscribers may designate the sections to which subscriptions to be applied

5. Be it further enacted, That the subscribers may designate, at the time of subscription, to which section their subscriptions must be applied, and that no portion of the subscriptions so made shall be applied, beyond the two dollars payable at the time of subscription, to any portion of the road but the one to which the subscription shall be made: provided, that the two-dollar instalment may be applied to the surveys and other general expenses of the road, without regard to the section subscribed for.

Proviso

Directors; how arranged

6. That the directors shall be so arranged as to represent all sections of the road that may be represented by subscriptions at the time of the organization of the company, or at any annual meeting or other general meeting of the company; and in case of death, resignation, or other incapacity of a director, the board of directors may supply the vacancy until the next general meeting of the company.

Road; how graded and McAdamized

7. That said road shall be graded twenty feet wide, and shall be McAdamized for one-half its width before it shall be lawful to charge tolls, and the tolls on each section shall be in proportion to the lawful tolls that the length of that section

shall be to five miles; and that the grade of the road shall not exceed seven feet to the hundred. The side ditches shall be not less than two feet deep and two feet wide on the bottom, and that all water shall be conducted under and not over the road-bed.

8. Be it further enacted, That said company may, with the consent of the county court, (or board of supervisors, as may be provided by general law,) occupy any turnpikes that may have been abandoned to the county, and any county roads or bridges built by the county, and that the county of Loudoun may subscribe to the capital stock of said company one-third of the same, in the mode now or hereafter to be prescribed by law: provided, that no bonds issued by the county shall be paid to said company at a faster rate than the private subscriptions shall be paid in.

Side ditches

May occupy abandoned turnpikes; how

Proviso

9. This act shall be in force from its passage.

Commencement

CHAP. 161.—An ACT to Authorize the Front Royal Turnpike Company to Sell the Piers and Abutments of certain Bridges on the Shenandoah river, and to Authorize the Purchasers to Rebuild said Bridges.

Approved June 27, 1870.

Whereas, the bridges of the Front Royal turnpike company across the two branches of the Shenandoah river were destroyed by fire in the military operations of the late war, and said turnpike company being unable to rebuild them:

Preamble

1. Be it enacted by the general assembly of Virginia, That said company is hereby authorized to sell and convey to the purchasers, the piers and abutments of either or of both said bridges, and that the right of way and power to rebuild each or either of said bridges shall pass to such purchasers.

Company may sell their piers and abutments, and purchasers shall have franchises of same

2. The purchasers aforesaid shall have the right and authority to construct a toll bridge, subject to all the provisions of chapter sixty-four of the Code of eighteen hundred and sixty, applicable to bridges, at the point where the piers and abutments so purchased are located on the said Front Royal turnpike.

Toll bridge

3. The proceeds of such sale of said piers and abutments shall be applied to the payment of any debts due by said company, and if not needed for the payment of debts, shall be held and applied by said company to other funds, according to the provisions of its charter.

Proceeds of such sale; how applied

4. This act shall be in force from its passage.

Commencement

CHAP. 162.—An ACT to incorporate the Wetumpka Iron, Mining, and Manufacturing Company.

Approved June 27, 1870.

Wetumpka Iron
Company in-
corporated

1. Be it enacted by the general assembly, That William Firmstone of Easton, Pennsylvania; Areo Pardee of Hazelton, Pennsylvania; J. G. Fell and F. A. Courly of Philadelphia, Pennsylvania; and Samuel C. Robinson of Richmond, Virginia, and such other persons as may be hereafter associated with them, shall be and are hereby incorporated, and made a body politic and corporate, by the name and style of The Wetumpka Iron Company, for the purpose of mining iron and other ores, transporting and selling the same, and of working the same into pig, bar iron, and steel, or otherwise, and also for the purpose of manufacturing iron or other ores in all the various branches and uses for which iron and other ores are used, and to transport and sell the same; and are hereby invested with all the rights and privileges, and subject to all the rules, regulations, and restrictions (consistent with this act) contained in the Code of Virginia in relation to such corporations.

Capital and
shares

2. The capital stock of said company shall not be less than two hundred thousand dollars, nor more than six millions, to be divided into shares of one hundred dollars each.

Real estate

3. And be it further enacted, That the said company shall have the right to acquire, hold, use, possess, and enjoy, by purchase, gift, demise, trust, or other legal means, estate, real, personal, and mixed, and the same may sell, alien, grant, lease, and convey, so that the lands held by them in fee or otherwise shall not exceed at any time two hundred thousand acres; and the said company shall have power to make and use a common seal, and the same to change at will, and to have all such other powers, rights, and privileges, as are necessary and proper for them to have and possess as an incorporated company, subject to the restrictions in the first section of this act; provided, that the said company shall not acquire or hold land exceeding eighty thousand acres in any one county.

Corporate
powers, &c.

Proviso

Certain lands in
Alleghany and
Rockbridge

4. And be it further enacted, That the said William Firmstone and Areo Pardee may put into the capital stock of the said company any lands purchased by them in the counties of Alleghany and Rockbridge, and now owned by them, or either of them, to be held in fee simple or otherwise by the said company.

Books of sub-
scription, how
opened; and
subscriptions,
in what

5. And be it further enacted, That William Firmstone, Areo Pardee, and Samuel C. Robinson are hereby appointed and made commissioners, and that they or any two of them may act, at such times and places as they may deem expedient, open books of subscription to the capital stock of said company, and may receive for subscription for stock, money, or such mineral rights, or lands, buildings, fixtures, or other property as they may deem wise, expedient, or necessary to acquire for the purposes of the company, and the same shall become

part of the stock of the company; and when two hundred thousand dollars shall have been subscribed, put in, or acquired as aforesaid, the company may organize by appointing five or more directors, one of whom shall be chosen as president.

When company may organize

6. And be it further enacted, That the president and directors of the said company may enact such by-laws and regulations for the management of the affairs of said company as they may deem expedient, the same being consistent with the constitution and laws of this state and of the United States.

By-laws, &c.

7. And be it further enacted, That the shares of the said company shall be deemed personal property, and assignable on the books of the company under such rules and regulations as may be prescribed by the directors, who shall have power from time to time to increase the capital stock, so that it shall not exceed six millions dollars as aforesaid.

Shares to be deemed personal property, &c.

Limit of capital

8. The offices of said company shall be at or near Covington, Virginia, and at such other points within or beyond the limits of this state as its business may require.

Officers

9. This act shall be in force from its passage, and shall be subject to any amendment, alteration, or modification at the pleasure of the general assembly.

Commencement, &c.

CHAP. 163.—An ACT for the Relief of the Sureties of Jas. L. F. Campbell, late Sheriff of Washington county.

Approved June 27, 1870.

1. Be it enacted by the general assembly of Virginia, That in the adjustment and collection of the judgment of the commonwealth of Virginia against Jas. L. F. Campbell, late sheriff of Washington county, and his official securities, the auditor of public accounts is authorized and empowered to accept of said sureties the principal of said judgment, with six per centum interest and cost, and said sureties are relieved from any balance of said judgment after said payment of the principal, six per centum interest and cost.

For relief of sureties of J. L. F. Campbell, late sheriff of Washington county

2. The auditor is authorized to forbear the collection of this judgment for twelve months; but if the demand of the commonwealth require it, he is fully authorized to enforce it at an earlier day.

Auditor may forbear collection of judgment twelve months

3. Nothing herein contained shall be construed as relieving said Jas. L. F. Campbell, sheriff as aforesaid, from the damages and interest above six per centum, recovered against him.

Said sheriff not to be relieved of damages and interest

4. This act shall be in force from its passage.

Commencement

CHAP. 164.—An ACT to Amend the Second Section of an act to Authorize the Richmond and York River Railroad Company to Extend its Main Line, or Build Branches to the Chesapeake or its Tributaries.

Approved June 27, 1870.

Act authorizing
Richmond and
York River rail-
road to extend
its main line,
&c., amended

1. Be it enacted, That the second section of an act passed February twenty-fifth, eighteen hundred and sixty-seven, entitled an act to authorize the Richmond and York river railroad company to extend its main line, or build branches to the Chesapeake bay or its tributaries, be re-enacted and amended so as to read as follows, viz:

§ 2

"§ 2. That the said Richmond and York river railroad company be authorized to issue and dispose of bonds to an amount not exceeding five hundred thousand dollars in the aggregate, upon such terms and at such rate of interest as may be approved by the president and directors of said company; and that the company be and is hereby authorized and empowered to create a deed of trust or mortgage upon the works, property, and franchises of the extension, and also upon the works, property, and franchises of the original road, to secure the amount borrowed under the provisions of this act; but such mortgage as to the works, property, and franchises of the original road, to be subject to the rights of all prior incumbrances."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 165.—An ACT to incorporate the Farmers' and Mechanics' Savings Bank of Alexandria.

Approved June 27, 1870.

Farmers' and
Mechanics'
Savings Bank of
Alexandria
incorporated

1. Be it enacted by the general assembly, That Andrew Jamison, Lewis McKenzie, Robert H. Miller, S. Ferguson Beach, Robert Bell, Jr., Reuben Johnston, and William H. Lambert, with such persons as may be hereafter associated with them, shall be and they are hereby made a corporation by the name and style of The Farmers and Mechanics Savings Bank of Alexandria, with all the rights, powers, and privileges conferred by, and subject to all the rules, regulations, and requirements imposed by, the Code of Virginia and subsequent laws, so far as applicable to such corporations, and not inconsistent with this act.

Capital and
shares
Subscriptions;
how made and
payable

2. The capital stock of said bank shall be divided into shares of ten dollars each, and subscriptions thereof shall be made and received at such time or times, in such manner and to such amount, and be payable in such manner, as shall be prescribed by the persons named in the first section of this act, or by the board of directors.

Voting

3. In all elections, and on all other questions, each member shall be entitled to one vote for each share of stock held by him.

Commence-
ment

4. This act shall be in force from and after its passage.

CHAP. 166.—An ACT to incorporate the Norfolk and European Steamship Company.

Approved June 27, 1870.

1. Be it enacted by the general assembly, That Edward Higgins, John B. Whitehead, Henry Ghiselin, Thomas J. Corprew, James E. Barry, Washington Reed, Walter H. Taylor, Marshall Parks, and such other persons as may be hereafter associated with them, their successors and assigns, are hereby incorporated into a company to be known as The Norfolk and European Steamship Company, for the purpose of opening up another avenue to the great West and Southwest, for direct trade through Virginia, and to promote immigration and commerce to Norfolk from Antwerp, or such other port or ports in Europe as the said company may select. The Norfolk and European Steamship Company incorporated
2. Be it further enacted, That the capital stock of said company shall not be less than one hundred thousand dollars or more than five million of dollars, in shares of one hundred dollars each. Capital and shares
3. Be it further enacted, That the said company may acquire and hold such docks, wharves, depots, stations, &c., as they may desire; and for the purpose of promoting immigration, may purchase, or exchange for stock in said company, lands not exceeding one hundred thousand acres, in any of the counties of this state; which lands, so acquired, the said company may dispose of in such manner and terms as the said company may direct. What property company may acquire
4. Be it further enacted, That it may be lawful for any railroad or other incorporated company in this state, to subscribe for and hold stock in this company: provided, that no railroad or other incorporated company in which the state is a stockholder shall make any such subscription. Railroad or other incorporated company may subscribe to stock Proviso
5. Be it further enacted, That the said company may borrow money upon the issue of their bonds or other evidences of debt, bearing interest not exceeding twelve per centum per annum; which bonds may be guaranteed by any corporation or company in the state interested in said company. May borrow money
6. Be it further enacted, That for managing the business of said company, there shall be chosen annually, by the stockholders, at such times as they may in general meeting appoint, a president, vice-president, and ten directors, a majority of whom shall constitute a board for the transaction of business, five of which officers, at least, shall be residents of this state; and in all meetings of the stockholders, each share of stock shall be represented by one vote. President and other officers
7. That this act shall be subject to all general laws governing such corporations, which are applicable to and not inconsistent with the provisions of this act. Company subject to general laws applicable
8. Be it further enacted, That this act shall be in force from its passage. Commencement

CHAP. 167.—An ACT to amend the Charter of The People's Bank of Norfolk, Virginia.

Approved June 27, 1870.

Charter of Peo- ples Bank of Norfolk amended	1. Be it enacted by the general assembly, That the charter of incorporation granted by the judge of the circuit court of the city of Norfolk to The People's Bank of Norfolk, Virginia, on the first day of October, A. D. eighteen hundred and sixty-seven, be amended so as to read as follows:
Corporators	"§ 1. That J. C. Deming, L. Berkley, James H. Johnston, S. Marsh, Gilbert Elliott, Smith Elliott & Co., J. Cary Weston, Toy, Dey, & Mallory, A. L. Seabury, W. H. Seabury, W. S. Wilkinson, Cary Weston, Peters & Reed, Jas. G. Pollard, W. H. Turner, E. P. Tabb & Co., J. E. Barry, W. J. Hardy, B. T. Backover, and W. D. Reynolds & Bro., together with such other persons as they may hereafter associate with them, shall be and they are hereby constituted a body politic and corporate, by the name and style of The People's Bank of Norfolk, Virginia, and by this name and style are hereby invested with all the rights and privileges conferred on banks of deposit and discount of this state, by chapter fifty-nine of the Code of Virginia, and not inconsistent with the provisions of this act.
Capital Shares Limit of capital	"§ 2. The capital stock of the said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, which may be increased from time to time to a sum not exceeding two hundred thousand dollars.
Board of directors	"§ 3. That J. C. Deming, W. J. Hardy, E. W. Moore, A. L. Seabury, T. D. Toy, J. E. Barry, J. Vickery, and Gilbert Elliott shall constitute the first board of directors thereof; they shall continue in office until the first meeting of the members, and until their successors in office are elected. No stockholder shall be eligible as a director who shall not, at the time, be the absolute owner, in his own right, of at least five shares of the capital stock. The annual meeting of the stockholders shall be provided for in the by-laws. The board of directors shall consist of eight members, including the president, unless otherwise provided by the by-laws.
Qualification of director	
Annual meeting Number of directors	
General busi- ness	"§ 4. The board shall regulate the admission of members. It may receive money on deposit and grant certificates therefor as may be provided in the by-laws; and it may buy and sell and negotiate bullion, coin, bank notes, foreign and domestic bills of exchange, lend money upon personal or real security, and receive the interest in advance, and guarantee the payment of notes, bonds, bills of exchange, or other evidences of debt: provided, however, that nothing in this act contained shall be construed to authorize said bank to charge or receive, for the loan or forbearance of money or other thing, more than the legal rate of interest.
Amount of real estate to be held	"§ 5. The said corporation shall have authority to hold real estate, not to exceed in value the sum of sixty thousand dol-

lars at any one time; and to sell, lease, rent, mortgage, or convey by deed in trust such lands as it may hold, and erect buildings thereon for sale, lease, or rent.

"§ 6. This act shall be in force from its passage, and shall be liable to repeal, modification, or amendment, at the pleasure of the general assembly."

Commencement, &c.

CHAP. 168.—An ACT to authorize the Fredericksburg and Gordonsville Railroad Company to Borrow Money.

Approved June 27, 1870.

1. Be it enacted by the general assembly, That the Fredericksburg and Gordonsville railroad company are authorized and empowered to borrow a sum of money, not to exceed four hundred and sixty thousand dollars, and at a rate of interest not to exceed ten per centum per annum; and to secure the sum so borrowed, said company are authorized to issue coupon or registered bonds, and to secure the same by lien on all their works, property, and franchises; subject, however, to the prior lien provided for by the act passed February sixth, eighteen hundred and sixty-seven, entitled an act to increase the capital stock of the Fredericksburg and Gordonsville railroad.

Fredericksburg and Gordonsville railroad authorized to borrow money; amount and interest; how secured

2. The president and directors shall issue such bonds, and secure them as above provided, whenever so instructed to do by resolution of the stockholders in any general or annual meeting assembled.

Bonds; how issued

3. This act shall be in force from its passage.

Commencement

CHAP. 169.—An ACT amending and re-enacting an Act to incorporate the Cottage Toll Bridge Company, passed February 1, 1860.

Approved June 27, 1870.

1. Be it enacted by the general assembly, That the act incorporating the Cottage Toll Bridge Company, passed February first, eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Charter of Cottage Toll Bridge Company amended

"§ 1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription to an amount not exceeding ten thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for constructing a toll bridge across the southern branch of Tanner's creek, in the county of Norfolk, at some point from or near the lands of P. H. Masi and Anna Lecompte, and the lands of Hury Proesher, on the south bank of said creek, and crossing to the lands of J. B. Whitehead and James Graham, on the north bank of said creek, with the privilege of continuing a road, not less than twenty-four feet, nor more than sixty feet in width, to the northern branch of said creek, to the lands formerly belonging

Capital and shares

Location

Connecting road

Another bridge	to — Garnett, upon which Groves resided, and constructing another bridge across the northern branch of said creek, from the Garnett farm, to the lands of William Lambert, with the privilege of continuing a road, not less than twenty-four feet, nor more than sixty feet in width, to a point of land in the vicinity of Tanner's creek cross roads.
Road to be extended and opened	" § 2. And also to open and extend a road, in as straight a direction as may be deemed expedient and practicable, from the abutment of the said bridge, on the south branch of Tanner's creek, to connect with and form an extension of the northern terminus of Chapel street, lately opened by the city of Norfolk; the said road to be not less than forty feet, nor more than sixty feet in width, with authority to use and occupy such portion of the county road now running in the same direction as the said corporation may desire, subject in all respects to the provisions of the fifty-sixth chapter of the Code of Virginia, and other general laws in such cases made and provided: provided, however, that the said corporation shall not be authorized to charge toll for use of the said last-mentioned road, to those not crossing either of the said bridges as aforesaid.
County road running in same direction may be used	
Proviso	
Books of subscription; where opened, and by whom	" § 3. The said books may be opened in the city of Norfolk, or at such place or places as may be designated by a majority of the commissioners hereafter named, under the supervision of John B. Whitehead, James H. Johnston, Henry Ghiseler, William H. Turner, S. R. Borum, and Marshall Parks, or any four of them, who are hereby authorized to appoint other commissioners to act at such other place or places as they may direct. When fifteen hundred dollars of the capital stock of said company shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and they are hereby incorporated in a company by the name and style of The Cottage Toll Bridge Company, subject to the provisions of chapter sixty-four of the Code of Virginia. The tolls chargeable for crossing on the same bridge or bridges shall be reasonable, and such as their by-laws may prescribe, and the said bridge or bridges so constructed as not to impede or impair the navigation of said creek or water courses.
When corporation to begin	
Tolls	
Commencement	" § 4. This act shall be in force from its passage."

CHAP. 170.—An ACT to incorporate The Shenandoah Iron, Lumber, Mining, and Manufacturing Company.

In force June 30, 1870.

Shenandoah
Iron, Lumber,
Mining and
Manufacturing
Company
incorporated

Capital stock

1. Be it enacted by the general assembly of Virginia, That William Milnes, John Fields, Thomas Johns, and William Milnes, Jr., and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, under the name, style, and title of The Shenandoah Iron, Lumber, Mining, and Manufacturing Company, with a capital stock of one million dollars, with the privilege of increasing the

same from time to time to any amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each, and by that name shall have perpetual succession, and be capable in law of receiving, holding, and conveying such real and personal property as may be necessary for the object of this corporation, and may sue and be sued, plead and be impleaded in all courts of law and equity, and may have a common seal, which they shall have power to alter and renew at pleasure, and may receive, execute, and deliver all such instruments of writing, and do such acts and things necessary to promote the objects, interests, and designs of said company as authorized by this act, namely: from time to time to open and mine iron ore, and any other minerals in the lands belonging to the said company, situated in the counties of Page, Rockingham, and Warren, and to manufacture, sell, and dispose of the same, and to cut and manufacture any timber that may be on the lands of said company, and to sell and dispose of the same, or to make lease or leases for mining, selling, and manufacturing the same. To make and construct railroads, not exceeding twenty miles in length, with branches not exceeding ten miles in length, for their purposes; and the said company shall have the right to enter upon and pass over adjacent or adjoining lands in the construction of said roads and branches, the consent of the owners thereof having been first obtained, or by condemnation of the same in the mode prescribed by chapter fifty-six of the Code of Virginia (edition of eighteen hundred and sixty), and charge tolls thereon. The said company shall have power generally to do and perform all things pertaining to the leasing, mining, manufacturing, and preparing for market, and to selling and disposing of the minerals, timber, and lumber, manufactured or otherwise, on said lands; with full power also to sell or mortgage the said lands with the improvements thereon, or any part thereof, and to make purchases of any other tract or tracts of land in the counties of Page, Rockingham, Warren, and elsewhere in this state, not exceeding one hundred thousand acres.

Shares

Real and personal property

Business

May sell or mortgage real estate

2. That the lands to be conveyed to said company in fee simple, by rental or by lease, by the parties owning the same, shall form a common stock, and be divided into a convenient number of shares, and apportioned by the said company among the subscribers according to their respective interests, for which certificates of stock shall be issued, and be assignable and transferrable in such way and subject to such conditions as the said company may from time to time prescribe; and the said shares of stock shall, for all legal purposes whatsoever, be deemed and treated as personal estate, and the said corporation may, whenever it is deemed necessary or expedient, with the consent of the holders of a majority of the shares of the said stock, levy and collect assessments, and forfeit and sell delinquent shares in such manner as the by-laws may direct.

Company's land to form common stock, &c. How shares assigned, &c.

To be treated as personal estate

3. That the stockholders shall meet as soon as practicable after the passage of this act, notice of the time and place of such meeting having been given by due and lawful notice,

Meeting of stockholders

Directors	and shall then and there proceed to elect not less than three nor more than seven directors, and annually thereafter, to serve for the term of one year, or until others are chosen in their places; and said election shall be made by such of the stockholders of the said company as shall attend for that purpose, either in person or by proxy, each share of stock to entitle the holder thereof to one vote. The directors so chosen shall elect one of their number to be president of the board of directors of said company.
Votes	
President	
By-laws, &c.	4. That the directors shall have full power to make by-laws and to appoint such officers and agents as they shall deem expedient for the well-conducting and transacting of the business of the company: provided, such by-laws shall not be repugnant to the constitution and laws of the state or of the United States. The said company, in addition to the office for the general transaction of business in the county of Page, may also have an office for the transaction of business, either in the city of Philadelphia, New York, Boston, Richmond, or Baltimore.
Offices	
May borrow money, &c.	5. That the said company may borrow money and create indebtedness in such way and manner as the board of directors shall prescribe, and may issue stock, coupon bonds, receipt certificates, and other evidences of indebtedness as they may deem proper, in payment and exchange, and payment for evidences of like values, properties, personal and real, materials, labor, services and otherwise, as the board of directors may deem necessary for the management of the business of the same, and to issue the securities in such form and manner, and payable in such place or places, as they may deem proper, and at any rate of interest not exceeding twelve per centum per annum, and by and with such stock, bonds, certificates, and other evidences of indebtedness, may purchase and hold all such personal and other property as may be necessary or convenient for the prosecution of their business, and to sell and dispose of the property, both real and personal, of said company. The subscription to the capital stock may be made payable in money or in real or personal property, appropriate to the business contemplated by this act, at a fair valuation, to be fixed upon by a majority in the interest of its stockholders at the time of such purchase, and such purchase may include the real and personal estate, leases, and contracts of said company.
Rate of interest	
Subscriptions to stock; how payable	
Company may exchange its stock for stocks of other companies, purchase or subscribe to the same, &c.	6. The said company may purchase, subscribe to, and exchange its stock and bonds for the stock and bonds of other incorporations or associations; may endorse or guarantee, or be endorsed or guaranteed in turn by others, upon such terms and conditions as shall mutually be agreed upon by the parties so contracting.
Commencement	7. This act shall be in force from its passage.

CHAP. 171.—An ACT to Amend the Provisions of the Code in regard to the Supreme Court of Appeals, so as to make them conform to the new Constitution.

Approved June 23, 1870.

1. Be it enacted by the general assembly, That chapter one hundred and fifty-nine of the Code, edition of eighteen hundred and sixty, be repealed, and that chapters one hundred and sixty and one hundred and eighty-two be amended and re-enacted so as to read as follows:

Code of Va., chap. 159, repealed; and chaps. 160 and 182 amended

“CHAPTER CLX.

Chap. 160

“OF THE COURT OF APPEALS.

“§ 1. The supreme court of appeals shall consist of the five judges thereof now in commission, and as vacancies occur, they shall be filled. The said judges shall appoint one of their number president of the court.

Supreme court of appeals to consist of president and four other judges

“§ 2. In the absence of the president, the eldest judge in commission present, shall be the presiding judge; but if no one of the judges present be older in commission than the rest, then the judges present shall appoint any one of their number to preside.

When president is absent, who presides

“§ 3. The supreme court of appeals, and the judges thereof, shall respectively succeed to and have all the appellate jurisdiction which, under the laws in force at or since the adoption of the constitution of eighteen hundred and fifty-one, could have been exercised by the general court or the judges thereof.

Jurisdiction of court

“§ 4. The said supreme court, besides having jurisdiction of all such matters as are now pending therein, shall have jurisdiction to issue writs of mandamus and prohibition to the circuit and corporation courts, and to the hustings court and the chancery court of the city of Richmond, and in all other cases in which it may be necessary to prevent a failure of justice, in which a mandamus may issue according to the principles of the common law. The practice and proceedings upon such writs shall be governed and regulated, in all cases, by the principles and practice now prevailing in respect to writs of mandamus and prohibition, respectively.

Writs of mandamus and prohibition

“§ 5. The said supreme court shall have jurisdiction in cases of habeas corpus, and of such appeals, writs of error, and supersedeas, as may be legally docketed in or transferred to the said court.

Practice and proceedings thereupon

Habeas corpus, &c.

“§ 6. The said court shall hold a session annually, at Wytheville, in the county of Wythe, and at Staunton, in the county of Augusta, to commence at such time as the court may, from time to time, direct, and to continue at least sixty days, if the business be not sooner dispatched; and another in the city of Richmond, to commence at such time, and to be divided into such terms, as the court has directed, or may, from time to time, direct, and to continue at least one hundred and sixty days, unless the business be sooner dispatched.

Times and places of its sessions

Business to be done at Richmond

" § 7. The said court, at its session at Richmond, shall hear and determine all appeals, writs of error, or supersedeas, pending there when this act takes effect, or which may be brought to the court of appeals, from or to decrees, judgments, sentences or orders of any court held on the eastern side of the Blue ridge, except the counties of Patrick and Albemarle.

Business to be done at Wytheville

" § 8. The court, at its session at Wytheville, in the county of Wythe, shall hear and determine all appeals, writs of error, or supersedeas, which may be brought to the court of appeals, from or to decrees, judgments, sentences, or orders of courts, from the following counties: Craig, Roanoke, Montgomery, Floyd, Patrick, Carroll, Pulaski, Giles, Bland, Wythe, Grayson, Smyth, Tazewell, Washington, Russell, Buchanan, Wise, Scott, and Lee.

Business to be done at Staunton

" § 9. The court, at its session at Staunton, in the county of Augusta, shall hear and determine all appeals, writs of error or supersedeas, which may be brought to the court of appeals, from or to decrees, judgments, sentences, or orders of court, from the residue of the counties west of the Blue Ridge, and also from the county of Albemarle.

Powers and duties of court at each place of meeting

" § 10. The sessions and terms of the supreme court of appeals shall be according to the provisions of this act, and the powers and duties of the court at each place of meeting shall be according to the provisions of this act and the laws now in force not inconsistent therewith. The court, at one place of session, may also, if it see fit, appoint and take bond from the clerks of the court at the other places, and the appellate jurisdiction of said court, in any criminal case, may be exercised at any place of session, no matter where the court may have been held which rendered the judgment in such case; and a criminal case pending in said court at one place, may at any time, by its order, be transferred to another place, there to be heard and determined.

Bond of clerks; where taken

Appellate jurisdiction in criminal cases

Pending criminal case; how transferred and determined

Transfer of causes from one place to another

" § 11. By consent of the parties or their counsel, or for reasons appearing to the court, any case pending in said court at one place of session, may be transferred to another place of session, there to be heard and determined, or if already heard, there to be determined; and when a case has been heard at one place of session, it may, without being transferred, be determined at another. In such cases, the judgment, decree, or order shall be entered on the order book at the place where it is made, and shall be certified to the clerk at the place where the case is pending, who shall enter the same on his order book. Every such judgment, decree, or order, shall have the same effect as if entered in court at the place where the case is pending, and may be reheard and reviewed at the next term of said court, subject to the rules applicable to rehearings in other cases.

Without being transferred, case may be determined at another place; how such decision certified, and its effect

As to cases of prohibition or mandamus

" § 12. Writs of prohibition or mandamus from the court of appeals to any court, shall issue and be tried at the place of session of said court of appeals, at which writs of error to such court are to be tried.

“ § 13. If at any time there shall be on the docket of the supreme court of appeals a case in which a majority of the judges of said court are so situated as to make it improper for them to sit on the hearing thereof, that fact shall be entered of record. The said court may thereupon have summoned, from among the judges of the circuit court, as many as, with the judges of the supreme court of appeals not so situated, will make the number five, who shall, together, form and hold a special court of appeals, to hear and determine such case, at such time as a majority of them shall see fit; and it shall be held at Richmond, Wytheville, or Staunton, as the case may be.

Cases in which majority of supreme court judges cannot sit

How such cases disposed of

Where court for their trial to be held

“ § 14. The clerk of the supreme court of appeals, at the place at which a special court of appeals is holden, shall, in person or by deputy, attend such special court, with the records and papers in the case which it is to hear and determine, and act as its clerk.

Who acts as clerk of such special court

“ § 15. The decisions of such special court shall be certified and carried into execution as if made by the supreme court of appeals.

Decisions; how certified and executed

“ § 16. Each circuit judge sitting on said special court, shall have ten dollars per day for every day's attendance on such court.

Pay of circuit judges sitting on special court

“ § 17. The supreme court of appeals, at each place of session, and such special court, may appoint a tipstaff and a crier, who shall perform such duties as the court may require, and shall receive out of the treasury such reasonable compensation as the court may allow, and be removable at its pleasure.

Tipstaff and crier; compensation; removable from office

“ § 18. The law books belonging to the state library, or such of them as the supreme court of appeals may, at any time, direct, shall be put up in the court room or conference room, and, together with the books already in such room, shall form a library for the use of the court, and under its control, and shall be subject to such privileges to other persons as may be allowed by law, or by the rules established by the court. The court shall appoint one of its officers to perform the duties of librarian.

Library for use of court, &c.

“CHAPTER CLXXXII.

Chap. 182

“OF APPEALS AND WRITS OF ERROR AND SUPERSEDEAS.

“ § 1. Any person who thinks himself aggrieved by an order in a controversy concerning the probate of a will, or the appointment or qualification of a personal representative, guardian, curator, or committee, or concerning a mill, roadway, ferry, or landing, may, in a county or corporation court, during the term at which such order is made, appeal therefrom of right, on giving bond as hereinafter mentioned.

In what cases person may appeal of right

“ § 2. Any person who thinks himself aggrieved by an order in a controversy concerning the probate of a will, or the appointment or qualification of a personal representative, guardian, curator or committee, or concerning a mill, roadway, ferry or landing; or any person who is a party to any case in chancery wherein there is a decree or order dissolving an in-

In what cases petition for appeal, writ of error, or superseas, may be presented

junction, or requiring money to be paid, or the possession or title of property to be changed, or adjudicating the principles of a cause, or to any civil case wherein there is a final judgment, decree, or order, may present a petition, if the case be in chancery, for an appeal from the decree or order; and if not in chancery, for a writ of error or supersedeas, to the judgment or order, except as follows:

When prohibited

"§ 3. No petition shall be presented for an appeal from, or writ of error or supersedeas to, any final judgment, decree, or order, whether the commonwealth be a party or not, which shall have been rendered more than two years before the petition is presented; nor to any judgment of a county or corporation court, which is rendered on an appeal from a judgment of a justice; nor to a judgment, decree, or order of any other court, when the controversy is for a matter less in value or amount than five hundred dollars, exclusive of costs, unless there be drawn in question a freehold or franchise, or the title or bounds of land, or some matter not merely pecuniary.

How person desiring to prevent such petition may procure suspension of execution

"§ 4. At the instance of any person who desires to present such petition, the court in which the judgment, decree, or order is, may, during the term at which it is rendered or made, or the judge rendering such judgment, order, or decree, may, within sixty days after such term is ended, make an order suspending the execution of such judgment, decree, or order for a reasonable time, to be specified in such order, when such person shall give bond before the clerk of said court in such penalty as the court or judge may require, with a condition reciting such judgment, decree, or order, and the intention of said person to present such petition, and providing for the payment of all such damages as any person may sustain, by reason of the said suspension, in case a supersedeas to such judgment, decree, or order should not be allowed, and be effectual within the time so specified.

Record exhibited with petition; how it is made up

"§ 5. With such petition, there shall be a transcript of the record of so much of the case wherein the judgment, decree, or order is, as will enable the court or judge to whom the petition is to be presented, properly to decide on such petition, and enable the court, if the petition be granted, properly to decide the questions that may arise before it. The person intending to petition, shall notify the opposite party, or his counsel, of his intention; and so much of the record shall be copied as any party may desire, except as follows:

What shall not be copied into the record

"6. Unless the person so intending to petition direct otherwise, there shall not, in a chancery case, be copied, of the process, orders at rules, or returns, or evidence of service thereof, any but such as are necessary to show that the cause was regularly matured for hearing; nor of the commissions and notices to take depositions, captions to such depositions, and certificates of their having been sworn to, any more than is necessary to the decision of exceptions taken to the reading of the depositions; but the name of each witness, and the day of taking his deposition, shall be stated at the head thereof. If more than one copy of the same paper be filed in the case, only one copy of it shall be inserted. There shall not be copied

an account reported by a commissioner to which there is no exception, nor any printed document, of which either party will furnish to the clerk a copy, but such duplicate shall be attached to what is copied; and when a case has before been in the appellate court, there shall only be copied the proceedings subsequent to the former appeal, writ of error, or supersedeas.

"§ 7. The appellate court, or a judge thereof, may, when a case has before been in such court, inspect the record upon the former appeal, writ of error, or supersedeas; and such court may, in any case, award a writ of certiorari to the clerk of the court below, and have brought before it, when part of a record is omitted, the whole or any part of such record.

When case comes to appellate court or judge a second time, former record may be inspected; power to award certiorari

"§ 8. A petition for an appeal, writ of error, or supersedeas, shall assign errors; and it shall not be presented until some counsel or attorney of the appellate court shall certify that in his opinion it is proper that the decision should be reviewed by such court.

Petition; how prepared and certified

"§ 9. The petition may be presented to the court wherein the case is to be docketed, if the appeal, writ of error, or supersedeas, be allowed, or to a judge thereof; or if the judgment, decree, or order, be of a county court, to any circuit judge.

To what court or judge petition is presented

"§ 10. The petition shall be rejected when it is for an appeal from an interlocutory decree or order, in a case which the court or judge to whom it is presented deems it most proper should be proceeded in further in the court below before an appeal is allowed therein. In a case wherein the court or judge, to whom a petition is duly presented, shall deem the judgment, decree, or order, plainly right, and reject it on that ground, if the order of rejection so state, no other petition shall afterwards be presented to the same purpose, except to an appellate court, or a judge thereof, and founded upon the rejection of the petition by the inferior court or judge.

When petition to be rejected

When order of rejection is final

Exception

"§ 11. Any court or judge to whom a petition is duly presented, if of opinion that the decision complained of ought to be reviewed, may allow an appeal, writ of error, or supersedeas, and in a case of appeal (as well as of a supersedeas) may award a supersedeas to stay proceedings, either in whole or in part.

Where petition is allowed; when supersedeas awarded

"§ 12. Every appeal, writ of error, or supersedeas, shall, when it is to or from a judgment, decree, or order of any county court, be docketed in the circuit court which has jurisdiction over such county; and when it is to or from a judgment, decree, or order of any other court, be docketed in the court of appeals. The clerk of the court wherein it is docketed, shall issue a summons against the parties interested, other than the petitioners, that they may be heard, and also issue any supersedeas which may be awarded.

In what court appeal, writ of error, or supersedeas, is docketed

What process issues

"§ 13. Except where an appeal, writ of error, or supersedeas, is proper to protect the estate of a decedent, convict, or insane person, the same shall not take effect until bond is given by the appellants or petitioners, or one of them, or some other person, in a penalty to be fixed by the court or judge, by or in which the appeal, writ of error, or supersedeas is al-

Bond of appellants or petitioners

lowed or entered, with condition, if a supersedeas be awarded, to perform and satisfy the judgment, decree, or order, or the part thereof, proceedings on which are stayed, in case the said judgment, decree, or order, or such part, be affirmed, or the appeal, writ of error, or supersedeas, be dismissed; and also to pay all damages, costs, and fees which may be awarded against or incurred by the appellants or petitioners; and if it be an appeal from an order or decree dissolving an injunction, or dismissing a bill of injunction, with a further condition to indemnify and save harmless, the surety in the injunction bond against all loss or damage in consequence of his suretyship; and with condition, when no supersedeas is awarded, to pay such specific damages, and such costs and fees, as may be awarded or incurred.

By whom taken "§ 14. Such bond shall be taken by the clerk of the appellate court before process is issued thereupon, except where the court of appeals is the appellate court, the clerk whereof shall endorse on the summons or supersedeas, that it is not to be effectual until such bond be given before the clerk of the court below, who shall take said bond and endorse on the same process that it has been given, and the names of the sureties therein.

Endorsement on process as to bond

How surety in such bond may obtain indemnity "§ 15. On the motion of any surety in such bond, after reasonable notice to or a rule against his principal, the appellate court may order bond to be given in such time as it may prescribe, with sufficient security to indemnify and save harmless, such surety against all loss or damages in consequence of his suretyship; and if such order be not complied with, may order the appeal, writ of error, or supersedeas, to be dismissed.

Where appeal of right, when record to be delivered to clerk of circuit court; if not delivered, how appeal to be dismissed "§ 16. In a case where there is an appeal of right, the clerk of the court from whose order such appeal is taken, shall deliver a copy of the record to the clerk of the circuit court as soon as practicable, unless the appellant direct him not to deliver it; in which case, he shall deliver to the clerk of the circuit court a copy of the entry of the appeal, and a certificate of such direction. On the production of such copy and certificate, the circuit court shall enter a dismissal of the appeal.

If record be delivered two years after final judgment or decree, no process to issue, but case to be dismissed; so also if bond be not given in two years "§ 17. No process shall issue upon any appeal, writ of error, or supersedeas, allowed to or from a final judgment, decree, or order, if, when the record is delivered to the clerk of the appellate court, there shall have elapsed two years since the date of such final judgment, decree, or order; but the appeal, writ of error, or supersedeas shall be dismissed whenever it appears that two years have elapsed since the said date before the record is delivered to such clerk, or before such bond is given, as is required to be given, before the appeal, writ of error, or supersedeas takes effect: provided, however, that section twenty-six of chapter one hundred and eighty-two of the Code of eighteen hundred and sixty, instead of this section, shall remain in full force, and apply to cases in which the appeal, writ of error, or supersedeas may be to any judgment or decree rendered before the passage of this act.

Proviso

"§ 18. After the dismissal of an appeal, writ of error, or supersedeas, no other appeal, writ of error, or supersedeas shall be allowed to or from the same judgment, decree, or order.

After dismissal, no other appeal, &c.

"§ 19. In every case docketed in the court of appeals, the clerk of the court where the case is docketed, shall make a table of contents to the whole record. Of the petition, so much of the record as the counsel for any party interested or the court may direct, and the table of contents, the clerk shall cause twelve copies to be printed, unless a larger number be ordered by the court, preserving in the margin of the printed record the paging of the record from the court below which shall be used in printing, and returned to the clerk's office. The clerk shall take care that the printing be properly done. Of the copies printed, he shall deliver one to each judge, two to the counsel on each side, retain one in his office, transmit one to the clerk of the court below (in which the case was originally decided), and deliver the other copy to the reporter. The cost of the printing, after being allowed by the court, shall be paid out of the treasury.

In cases in court of appeals, how clerks prepare records; how printed, distributed, and printing paid for

"§ 20. Annually before the court of appeals commences its session at Richmond, Wytheville, and Staunton, respectively, the clerk at each place shall make out a docket of the causes then ready for hearing. Those at each place shall be numbered by figures, and shall be docketed in the order in which the causes were matured, and be heard in the same order.

Docket of cases ready for hearing; how made out

"§ 21. The court may hear out of term cases concerning the probate of a will, or the appointment or qualification of a personal representative, guardian, curator, or committee, or concerning a mill, roadway, ferry, or landing, and any others which it may see good cause for so hearing.

What cases may be heard out of term

"§ 22. On an appeal from an order of a county or corporation court, in a controversy concerning the probate of a will, or the appointment or qualification of a personal representative, guardian, curator, or committee, or concerning a mill, roadway, ferry, or landing, witnesses may be examined in the circuit court; but in no case shall the court of appeals hear parol testimony.

In what cases appellate court may hear parol testimony

"§ 23. The appellate court shall affirm the judgment, decree, or order, if there be no error therein, and reverse the same, in whole or in part, if erroneous, and enter such judgment, decree, or order as the court whose error is sought to be corrected, ought to have entered; affirming in those cases where the voices on both sides are equal: provided, however, that in order to declare, in any case, any law null and void by reason of its repugnance to the federal constitution or the constitution of this state, it shall be necessary that a majority of the judges elected to the supreme court of appeals shall concur.

Decision of appellate court

Where voices are equal. Provision as to unconstitutionality of a law

"§ 24. When any judgment, decree, or order is affirmed, damages shall be awarded to the appellee; such damages, when the judgment, decree, or order is for the payment of money, shall be the interest to which the parties are legally entitled in

What damages shall be awarded appellee

the cause (to be computed upon the whole amount of the recovery, including interest and costs,) from the time the appeal, writ of error, or supersedeas took effect, until the affirmance, or if the affirmance be by the court of appeals, until a copy of its decision is entered in the order book of the court below; which damages shall be in satisfaction of all interest during that time. When the judgment, decree, or order is not for the payment of any money, except costs, the damages shall be such specific sum as the appellate court may deem reasonable, not being more than one hundred dollars, nor in the court of appeals, less than thirty dollars.

When circuit court reversing judgment or decree may retain the cause

"§ 25. When any judgment, decree, or order of a county court is reversed or affirmed, the cause shall not be remanded to said court for further proceedings, but shall be retained in the circuit court, and there proceeded in, unless by consent of the parties, or for good cause shown, the appellate court direct otherwise.

When clerk of court of appeals shall transmit its decisions

"§ 26. When any term of the court of appeals is ended, or sooner if the court so direct, the clerk thereof shall certify, and, by mail or otherwise, transmit its decisions to the clerk of the court below, except that it shall not be his duty to certify or transmit a copy of a decree or judgment of affirmance, unless the appellee or defendant in error shall have paid all fees due from him in the case, or shall endorse on such copy so much of the decree or judgment, for the benefit of the clerk, as the unpaid fee shall amount to. If any clerk shall fail to comply with this section for twenty days, except as aforesaid, he shall forfeit fifty dollars to any person aggrieved thereby.

Penalty for failure

Appeals, &c., from former circuit or hustings court of city of Richmond; decisions upon, how transmitted

"§ 27. The decision of the supreme court of appeals in any case now pending, on an appeal, writ of error, or supersedeas, to or from the judgment of the hustings or circuit court of the city of Richmond, as heretofore constituted, shall be transmitted by the clerk of the supreme court under the limitations of the preceding section of this act to the clerk of the hustings court, or the clerk of the chancery court, or the clerk of the circuit court of Richmond, according as the said judgment was rendered in a criminal, a chancery, or a common law case respectively.

Postage to be paid by him, and repaid out of the treasury

"§ 28. On all decisions so transmitted by mail, the clerk shall pay the postage. His accounts for such postage, verified by oath, may, from time to time, at intervals not exceeding eighteen months, be certified by the court of appeals to the auditor of public accounts for payment out of the treasury.

How decision of court of appeals is entered in court from which case came; execution and other proceedings

"§ 29. The court from which any case may have come to the court of appeals, shall enter the decision of the appellate court as its own, and execution may issue thereon accordingly. If such decision be received by the clerk of the court below in vacation, he shall enter it of record in his order book, and thereupon such execution may issue and such proceedings be had in the case as would have been proper if the decision had been entered in court."

2. And be it further enacted, That all cases which were pending in the district courts when the present constitution took effect, are hereby transferred to the supreme court of appeals, and the papers and records of said causes and copies of the proceedings of said district courts therein, shall, without unnecessary delay, be delivered by the clerks thereof, respectively, to the clerk of the supreme court of appeals at Richmond; which court shall audit and certify to the auditor of public accounts, for payment out of the treasury, such incidental expenses as may be incurred by the transfer of the cases pending as aforesaid in the district courts; and the supreme court shall also examine and certify, for payment, the unpaid contingent expenses and allowances of the several district courts.

All cases pending in district courts, transferred to supreme court of appeals; papers, &c., to be delivered to clerk of court of appeals at Richmond
Expenses of such transfer; how certified and paid

3. Such of the said causes as the supreme court of appeals may have jurisdiction to try, shall be tried by the said court accordingly, either at Richmond, or at Wytheville, or at Staunton, as the court may deem proper, the papers and records of such of the said causes as may be deemed proper to be tried at Wytheville or at Staunton, being first sent to the clerks of the courts there, for that purpose, by order of the court at Richmond.

Supreme court to try such of said cases as it has jurisdiction to try

4. The decisions of the supreme court of appeals in the said causes shall, by the clerk thereof, be certified and transmitted to the clerks of the circuit courts, respectively, from which the said causes may have gone to the said district courts, and shall be entered as the decisions of said circuit courts respectively, and executions may issue thereupon accordingly.

Decision to be transmitted to clerk of circuit court from which case went up

5. And be it further enacted, That all cases which were pending in the district courts when the present constitution took effect, of which the supreme court of appeals may not have jurisdiction, shall be transferred to and docketed in the circuit courts of the counties or corporations whence the appeals were originally taken, there to be heard and finally disposed of as by an appellate court. When the judge of the court to which any such case is transferred is the same person before whom the case was originally tried, then the judge, either in term time or vacation, may remove such case to any other circuit court, there to be heard and finally disposed of as by an appellate court.

Cases pending in district court over which supreme court has not jurisdiction; how disposed of

6. All papers pertaining to the cases mentioned in the preceding section, and all books and records which, when the present constitution took effect, pertained to the said district courts, or were in the custody of the clerks thereof, except such as may, under the preceding sections of this act, properly belong to and remain in the clerk's office of the supreme court, shall be delivered to and remain in the custody of the clerks of the said circuit courts, who shall be charged with the same duties with respect to said books, papers, and records, as if they pertained to cases in the said circuit courts.

Papers, books and records of district courts; to whom delivered

7. If any appeal, writ of error, or supersedeas be hereafter obtained from or to any judgment, decree, or order of any of the said district courts, in any case in which the supreme court of appeals has jurisdiction, all the printed records of such case

In case of appeal, &c., from decision of district court, where court of appeals has

jurisdiction, clerk having papers shall send printed records thereof to clerk of court of appeals at Richmond

Process in such cases; how issued, &c.

Where bond to be given in cases in which appeal, &c., has been obtained from decision of district courts

Where appeal, &c., from decision of district court, to what court decision of supreme court to be certified

When causes decided by district court may be reheard

Inconsistent acts repealed

Commencement

which may be in the hands of the clerk to whose custody the papers in the case belong as aforesaid, shall be sent by said clerk to the clerk of the supreme court of appeals at Richmond, and the case shall be proceeded in as is hereinbefore directed in regard to causes transferred to the said court which were pending in the said district courts when the present constitution took effect. Process in the case shall be issued, directed, executed, and returned, and have the same effect, and any appeal or supersedeas bond required by law to be given shall be executed in the same manner as if the said judgment, decree, or order had been rendered by the circuit court from which the cause may have gone to the district court.

8. In all cases in which a writ of error, supersedeas, or appeal has been obtained to or from a judgment or decree of a district court of appeals, the bond required to be given by the appellant may be given in the clerk's office of the court to or from which the writ of error, supersedeas, or appeal in the cause was obtained to the district court of appeals.

9. In all cases in which a writ of error, supersedeas, or appeal has been obtained to or from a judgment or decree of a district court of appeals, the judgment or decree of the supreme court of appeals shall be certified to the court to or from which the writ of error, supersedeas, or appeal was obtained to the district court of appeals.

10. The supreme court of appeals may rehear and review any case decided by said court, within the last fifteen days of the preceding term: provided, that one of the judges who decided the cause adversely to the applicant, shall certify, that in his opinion, there is good cause for such rehearing.

11. All acts amendatory of the chapters hereby re-enacted, and all parts of the chapters not herein contained, are hereby repealed.

12. This act shall be in force from its passage.

CHAP. 172.—JOINT RESOLUTION Extending the Time for Making Return of the Election held the 26th day of May, 1870.

Approved June 18, 1870.

Preamble

Whereas, at the election held the twenty-sixth day of May, eighteen hundred and seventy, the judges of election appointed for certain voting places failed to make return thereof at the time appointed by law: be it

Judges of elections may make returns within thirty days after election, on such day as is designated by commissioners

Resolved by the general assembly, That the judges of election aforesaid, shall be authorized to make return of the same, in the manner prescribed in section thirty-nine of the act approved May eleventh, eighteen hundred and seventy, entitled an act to provide for a general election, on such day within thirty days from the day of said general election, as the commissioners, designated by their county or corporation court to canvass the returns of their county or corporation, may fix upon, and the said commissioners shall be authorized, on the

day thus appointed, to meet at the clerk's office of the county or corporation court and canvass the returns thus made, in the manner prescribed in section forty of the act aforesaid; and such return and canvass shall be deemed as legal and valid as if originally done in conformity with that act.

CHAP. 173.—An ACT to Amend and Re-enact the Second Section of an Act approved May nineteenth, eighteen hundred and seventy, entitled an Act to Amend and Re-enact the Second Section of an Act to District the state for County Judges.

Approved June 29, 1870.

1. Be it enacted by the general assembly of Virginia, That the second section of the act of the general assembly, approved May nineteenth, eighteen hundred and seventy, and entitled an act to amend and re-enact the second section of an act to district the state for county judges, be amended and re-enacted so as to read as follows:

Act districting the state for county judges amended as to Danville

“§ 2. The following towns and cities having each more than five thousand inhabitants, shall each have one city judge: Fredericksburg, Lynchburg, Norfolk, Petersburg, Portsmouth, Staunton, Alexandria, and Danville.”

2. This act shall be in force from its passage.

Commencement

CHAP. 174.—An ACT in Relation to the Assessment of Taxes on Licenses.

Approved June 29, 1870.

1. Be it enacted by the general assembly, That the several licensed subjects of taxation shall be classified by schedules as follows, to wit:

SCHEDULE A.

Commission merchants.

2. Any person licensed as a commission merchant may sell any personal property except wine, ardent spirits, and malt liquors, gold or silver coin, bonds, certificates of public or private debts, or other securities, which may be left with or consigned to him for sale. Such merchant shall pay a tax on such sales, or on the commissions charged for such sales, as the legislature may from time to time impose; and all sales, whether made for compensation or not, and all commissions and other compensation of every kind received, whether the same be for brokerage, insurance, or other services or assurances, shall be held to be subject to such tax as may be imposed. Any person buying on commission shall be deemed a commission merchant, and subject to the provisions of this act. Any person buying or selling contrary to the provisions of this section, or

Commission merchants

Tax on sales

Who deemed a commission merchant
Penalty

who shall in any manner violate the same, shall pay a fine of not less than fifty dollars nor more than one thousand dollars for each offence.

Liquor merchants.

Liquor merchants	<p>3. A license to sell wine, ardent spirits, malt liquors, cider, or any mixture of any of them, shall be obtained in addition to a license to engage in or follow any other licensed business, occupation, or profession; but such license shall not authorize the sale of wine, ardent spirits, malt liquors, cider, or any mixture of any of them, to be drunk at the place where sold. No person shall sell wine, ardent spirits, malt liquors, cider, or any mixture of any of them, to be drunk at the place where sold, except the keeper of a licensed ordinary or the keeper of a licensed eating house. Before a license shall be granted to keep an ordinary or eating house, application shall be made to the court of the county or corporation in which it is to be kept, for permission to keep the same; and upon said court being satisfied and entering of record that the place where the same is to be kept is convenient and suitable, and that the applicant is a person of sobriety and good character, and upon giving a certificate to that effect, the said license may be granted, but not until then. If the court refuse such certificate, the refusal shall be entered of record, and shall not be reversed or revoked until the following March or April term, unless by the same court. Under a license to sell ardent spirits, as first above mentioned, the person licensed may, in addition thereto, sell wine, malt liquors, cider, or any mixture of any of them, without any additional tax, unless and until the legislature shall otherwise prescribe by fixing a different rate of tax for the sale of either. If a law shall impose a tax on the amount of sales, the license shall specify the amount to be sold under such license, and when such amount is sold, the license thereafter shall be void. The amount of such sales shall be ascertained and determined as follows: if the liquor merchant has been in business as such, whether under a license or not, in the county or corporation where he applies for a license, for twelve months next preceding, the sales during the succeeding year shall be assumed to be at least equal to the sales of the preceding year, and it may be determined that they will exceed those of the preceding year. If the business has only been carried on part of the year preceding, then the amount of sales of the preceding year may be ascertained by adopting the sales for such part of the year as an approximate basis for averaging the same for the entire year. If a liquor merchant is a beginner, he shall state the amount of his probable sales for and during the time the license he proposes to obtain will continue. In all such cases of conjectural sales, the amount thereof may be determined by ascertaining the amount of purchases made and to be made on the sales, and adopting the aggregate as the amount of sales. In all such cases, the license shall specify the amount of the wines, ardent spirits, malt liquors, or cider, to be sold under such liquor mer-</p>
Keeper of licensed ordinary or eating house	
How license granted	
Where license is refused	
What may be sold under such license	
Tax on amount of sales	
Amount; how ascertained	
Where business carried on part of year preceding	
Where liquor merchant is a beginner	
Conjectural sales	
What license shall specify	

chant's license, including profits. If the liquor merchant who is a beginner desires an enlargement of the amount of sales, he may apply for a new assessment and new license for the privilege of selling the additional quantity desired, which shall be granted upon the payment of the tax on the sales without the specific tax. For the purpose of ascertaining whether the amount of wines, liquors, &c., authorized by such license to be sold have been sold, it shall be the duty of every liquor merchant, who is a beginner as aforesaid, on the first day of August, November, and February of each year, to make report in writing, on oath, to the commissioner of the revenue for the district in which the liquor merchant was licensed, showing the amount of goods sold by him within the preceding three months. If any such liquor merchant shall fail to make such report, the commissioner shall assume that all the wines, ardent spirits, &c., authorized to be sold by the license have been sold, and shall proceed to make a new assessment, after examining the liquor merchant on oath, or upon such other evidence as he may be able to obtain, in the same manner and to the same effect he would do if the application had been made to him for an enlargement of the license aforesaid. If any person shall bring wines, ardent spirits, &c., into this state at a time when, by an assessment, he cannot procure a license for the full term of one year, and he desires to have such wines, ardent spirits, &c., sold by auction, the commissioner may assess the tax at a rate equal to the tax for one year. Licensed distillers may sell liquors manufactured by them, at the place of manufacture, in quantities not less than one gallon, without a special license: provided, the same shall be delivered to purchasers at the distilleries: and provided, that no license shall be granted to sell, by retail, ardent spirits, malt liquors, or any mixture of any of them, until a certificate is obtained from the court of the county or corporation in the mode and to the effect the same is required to be obtained by the keeper of an ordinary. If any person shall in any manner violate this section, he shall pay a fine of not less than thirty dollars nor more than one thousand dollars for each offence.

New assessment, &c.

Report of liquor merchant

Failure to make report

Liquors brought into state and sold at auction, &c.; how assessed

How licensed distillers may sell at distillery

Penalty

Sample merchants.

4. Any person who shall sell, or offer to sell, any description of goods, wares, or merchandise by sample, card-description, or representation, shall be deemed to be a sample merchant. But nothing in this section shall prevent a merchant from exhibiting a specimen of his goods, wares, and merchandise to his customers, in the county or corporation in which his place of business is. Any person who shall sell, or offer to sell, in violation of this section, shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offence.

Sample merchant

Penalty

Sales by peddlers.

5. Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or actually sell the

Peddlers

same in transitu or otherwise, shall be deemed to be a peddler; and any person licensed as a peddler may sell any personal property a merchant may sell, or he may exchange the same for other articles; and whenever a license is granted to a peddler to sell such goods, wares, or merchandise, his license shall confer authority to sell at any house or place within the county or corporation in which the license was granted. Any peddler who shall peddle for sale, or sell without a license, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence; and any person selling, or offering to sell as a peddler, shall exhibit his license on the demand of any citizen of the county or corporation in which he sells or offers to sell or barter; and upon his failure or refusal to do so, shall be subject to the penalties of peddling without a license.

Penalty

Shall show his license

Sale of junk, old metals, or other like commodities.

Junk dealers

6. No keeper of a shop for the purpose herein mentioned, shall, without a license authorized by law, purchase, sell, barter, or exchange any kind of second-hand articles, junk, rags, old metals, or other like commodities. The places at which such business may be conducted shall be kept open for the purchase or sale of any of the articles mentioned aforesaid; nor shall any purchase be made by the keeper or keepers of any such place of business, or by any person or persons for them, except between the hours of sunrise and sunset of each day; and said places of business shall be open at all times for the inspection of any revenue or police officer of the county or corporation wherein the license issued. Every person receiving such license shall place over the principal entrance of his or her place of business, a sign designating that he or she is licensed in conformity with the provisions of this act. Any person violating the provisions of this act, shall pay a fine of not less than fifty nor more than one hundred dollars for each offence.

Sign over place of business

Penalty

Sale of patent rights.

Patent rights

7. No person shall, without a license authorized by law, sell or barter the right to manufacture or use any machinery or other thing patented to any person or company, under the laws of the United States; and no license to sell any other thing shall confer the authority to sell or barter such right or use such machinery. But nothing in this section shall be construed to prevent the patentee of any improved or useful invention, if he be a citizen of the United States, from selling or bartering the right to manufacture or sell the same; but the selling or bartering herein allowed to the patentee, shall be a personal privilege, and shall not be exercised by any agent or other person for him. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.

What patentee may sell

Penalty

Sale by agents.

8. No person shall, without a license authorized by law, act as general agent for the sale of lands, or act as book agent. No itinerant or resident person shall sell or offer for sale the manufactured articles or machines of other states or territories, or take orders for such manufactured articles or machines on commission or otherwise, without taking out a license.

Agents

Sale of manufactures of other states

What constitutes a land agent; what he may sell.

9. Any person licensed as a land agent, may sell any land in this commonwealth entrusted to him for sale, and shall pay such tax on such sales, or on the commissions charged for such sales, as the legislature may from time to time impose. Any person selling land, or offering to sell the same, who is not an auctioneer, or who has not the fee simple title or any other less estate therein, shall be held to be a land agent; but this section shall not be construed to prevent any person not engaged in the business of selling land for compensation, from selling without a license any lands for the sale of which he has a duly authenticated power of attorney. For any violation of this section, the person offending shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offence.

Land agent; what he may sell

Penalty

Sale of books; book agents.

10. Any person who shall receive subscriptions for, or shall in any manner furnish newspapers, books, maps, prints, pamphlets, or periodicals, otherwise than by sale, printed or published beyond the limits of this state, shall be deemed to be a book agent. Any person who has been a resident of the United States for two years, desiring to distribute or sell any religious books, newspapers, pamphlets, or periodicals, may apply to the judge of the county or corporation court in which he may desire to distribute or sell the same; and such judge, upon being satisfied that the person applying is of good character and a proper person in whom to confide the trust of selling or distributing such books, may direct the commissioner of the revenue to grant him a license, with a nominal tax only. Any person violating the provisions of this section shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

Book agents

How license obtained

Penalty

Auction sales; who may sell without a license.

11. No person shall sell at auction or public outcry without a license, except in the following cases, to wit:

Auction sales

First—The estate of a decedent may be sold by the personal representative, according to law or the provisions of the will.

What may be sold without license

Second—Property conveyed by deed of trust, or decreed or ordered to be sold by a court, may be sold according to the deed, decree, or order.

Third—Any person may sell the agricultural products of this state, arising from his own or other labor under his control, or his real or personal estate, not purchased or sold on speculation.

Fourth—An officer may sell property distrained by him under execution or other legal process.

Auctioneers' account of sales.

Auctioneer's
account of sales

12. An auctioneer shall keep an account of all sales made by him, showing the aggregate amount thereof; and whenever required by a commissioner of the revenue, shall render an account, for taxation, of all his sales for the period required by law to be stated, and shall sign and answer all such interrogatories respecting such sales as may be propounded to him in pursuance of law. Such accounts, statements, and answers, shall always be on oath.

Classification of auctioneers.

Auctioneers;
how classed

13. Auctioneers shall consist of general auctioneers, real estate auctioneers, and tobacco auctioneers, and shall be so classified that their powers and duties, and the restrictions and penalties thereon, may be separate and distinct—that is to say:

General auctioneers; what an auctioneer may sell.

What general
auctioneer may
sell

14. Any person licensed as a general auctioneer may sell any goods, wares, merchandise, and other articles, not prohibited by law; but he shall not sell wine, ardent spirits, malt liquors, or any mixture thereof, unless and until he shall have obtained a license therefor in the mode prescribed in this act.

What an auctioneer may do.

What auc-
tioneer may do

Restriction

15. An auctioneer may conclude the sale of anything he is authorized to sell, grant a certificate or other evidence of the same, and receive the money. But no sale shall be made by such auctioneer at any place other than the house or other definite place named in the license as the place of business, or at such other place as the person owning the property is authorized, in pursuance of this act, to sell the same by auction, except that auctioneers may sell household and kitchen furniture on the premises. Nor shall any auctioneer be allowed to sell goods, wares, merchandise, or other articles as aforesaid, in any county, town, or corporation, unless the owner thereof has obtained a license, if a license is required to sell the same in this state, and has paid a tax as a merchant, and as much as a merchant would be required to pay, for one year. For a sale otherwise, or for a sale of anything prohibited, and for any violation of this section, the person offending shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offence.

Penalty

Real estate auctioneers.

16. Any person licensed as a real estate auctioneer may sell ^{Real estate auctioneers} at auction or privately, any real estate in this commonwealth entrusted to him for sale. If a tax shall be imposed on the amount of the sales, the taxable sales shall be construed to embrace all sales of real estate made by such auctioneer, whether such sales be by public outcry or made privately. For any ^{Penalty} violation of this section, the person offending shall pay a fine of not less than one hundred dollars nor more than one thousand dollars for each offence.

Tobacco auctioneers.

17. Any person licensed as a tobacco auctioneer may sell at ^{Tobacco auctioneers} auction any tobacco not prohibited by law to be sold; and if a tax be imposed on the amount of sales, all private sales made by such auctioneer shall be held to be taxable sales. For any ^{Penalty} violation of this section, the person offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.

Common criers.

18. A common crier may cry for sale, at any place in the ^{Common crier; his duties and privileges} county or corporation in which his license issued, any property, real or personal, for any auctioneer, fiduciary, or for the owner of property, where such owner is authorized to sell the same by auction; but he shall not conduct a sale otherwise than under the present and immediate direction of the property owner, or other person authorized to sell the same. He shall not, as such crier, receive money on account of the sale, grant acquittances, or give any evidence of a sale or title to the purchaser. He may receive for his services a stated compensation, but he shall not receive any commission or per centage on the amount of the sale, nor any specific or contingent interest in the sale, as a compensation for his services. For any ^{Penalty} violation of this section, the person offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.

SCHEDULE B.

Purchases and sales.

19. No person shall, without a license authorized by law, ^{Purchases and sales} canvass any county or corporation in this commonwealth or any part thereof, for the purpose of buying or offering to buy, or shall actually buy, any matters of subsistence designed as food for man or beast, or for any beverage, or for any clothing, or for any materials of which clothing is made, except that ^{Exception as to butchers} licensed butchers or keepers of stalls or stores shall be permitted to canvass and purchase matters of subsistence designed as food for man or beast without being required to take out

What penalties subject to any additional license. A license to authorize any person so to canvass or purchase, shall be open to the inspection of any officer or citizen of the county or corporation in which he is canvassing or purchasing; and such licensed person, when requested, shall exhibit his license, so as to allow the same to be read and inspected, and upon his failure so to exhibit the same, shall be held and treated and be subject to all the penalties of a person canvassing or purchasing without a license; but this section shall not be construed to prevent any person from purchasing without a license, any of the matters aforesaid for his own use or for the use of his family. But in all such canvassing or purchasing, it shall be held that a license is required, unless and until it be satisfactorily shown that the person canvassing or purchasing is bona fide operating for his own consumption or the consumption of his family. Any person violating in any manner the provisions of this section, shall pay a fine of not less than ten dollars nor more than five hundred dollars for each offence, and shall, moreover, be bound by the court, or any justice of the peace, upon conviction before either, in a recognizance, with good and sufficient security, in a penalty not less than one thousand dollars, conditioned to be of good behavior for a period of not less than one year.

Penalty

Ship brokers, stock brokers, and private bankers.

Ship broker, stock broker, and private banker 20. No person or corporation shall, without a license authorized by law, act as a ship broker or stock broker; and any person or corporation that deals in coin, foreign or domestic exchange, government stocks or other certificates of public debt, certificates of debt or shares in any corporation or chartered company, bank notes or any other notes used as currency, or that sells the same, or any of them, on commission or for other compensation, shall be deemed to be stock brokers. A stock broker shall have the right to buy and sell for profit, or to sell on commission, the coin, exchange, stock, certificates of debt, shares in chartered companies, bank notes and notes used as a currency, as aforesaid; and may sell either privately or by auction. Any person or corporation engaged in the business of receiving money on deposit, or in so receiving money on deposit and also in lending money, or in discounting negotiable paper or other credits, shall be deemed private bankers. A license shall be required and obtained for conducting exclusively the business of private banking, or for conducting such business in connection with the business of broker; and in the latter case, the tax shall be paid for the additional privilege of private banking. Any person or corporation violating the provisions of this section, shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offence.

Private banker; who

Penalty

Pawn brokers.

Pawn brokers 21. No person shall, without a license authorized by law, lend money or other thing for profit, for or on account of per-

sonal property deposited with the lender in pledge. Any person who shall, in any manner, lend or advance money as aforesaid on the pledge and possession of personal property, shall be held to be a pawn broker. Any person making a pledge of property as aforesaid, for money loaned or advanced, who shall not pay or return the money so loaned or advanced, within sixty days after the date fixed for the payment or return of the money, shall forfeit his right to redeem the property pledged. After such person shall have forfeited his right to redeem the property, the pawn broker may cause said property to be sold at auction by any licensed auctioneer. The expenses attending the sale shall be paid out of the proceeds of the sale; and if any surplus arise from the sale after satisfying the money advanced, with the interest and costs which may have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawn broker without a license, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.

When property forfeited; how sold

Penalty

Manufacture of wine, ardent spirits, and malt liquors.

22. No person shall, without a license authorized by law, distil or in any manner manufacture wine, ardent spirits, or malt liquors, exceeding thirty gallons of either; but no person shall be required to obtain a license to distil fruit, unless such distillery, so engaged, is kept in operation more than three months in any one year. There shall be a specific tax for the privilege of distilling or other manufacturing of wine, ardent spirits, or malt liquors; and a license to do either, shall be held to confer the authority to distil and manufacture either or all of them. There shall be a tax on the quantity of wine, ardent spirits, and malt liquors to be manufactured or distilled, which shall be stated in the license; and when the quantity so stated shall have been made, the license thereafter shall be void; and any person continuing the business after the quantity named in the license shall have been made, shall be liable to all the penalties of a person distilling without a license. If the person desiring such license make application therefor, he shall state, on oath, the probable quantity which, in his opinion, he will distil or manufacture during the time the license is to continue, and the tax shall be assessed as well for the specific amount as upon the quantity to be produced. If the application shall not be made to the commissioner for an assessment, the commissioner shall assess the specific tax as in other cases of default, and shall ascertain, upon the best information he can obtain, the probable quantity which the distillery will produce during the time the license will continue, and shall therefrom assess the actual rate per gallon provided for in this act. If the quantity to be manufactured or distilled under such license shall have been made, and the person desires to make an additional quantity, he may apply for a new assessment and new license for the additional quantity desired, which shall be granted upon the payment of the tax on the gallon without

Manufacture of wine, &c.

Exception

Specific tax; for what

Liabilities

How specific tax assessed

New assessment

Repr's	the specific tax to distil or manufacture. The same reports required of a liquor merchant to ascertain his sales, may be required of a manufacturer or distiller for the purpose of ascertaining the quantity manufactured or distilled by him. Any person, in any manner, violating the provisions of this section, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.
Penalty	

SCHEDULE C.

Ordinaries, boarding houses, &c.

Ordinaries, boarding houses, &c.	23. No person shall, without a license authorized by law, keep an ordinary, a house of private entertainment, a boarding house, an eating house, or bakery.
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What constitutes an ordinary; tax on license; how estimated.

What constitutes an ordinary	24. Any person who shall, for compensation, furnish lodging or diet to travelers, sojourners, or boarders in his house, or provender for a horse feeding in his stable or on his land (except a drove of live stock and persons attending it), and sell, by retail, wine, spirituous or malt liquors, or any mixture of any of them, to be drunk in or at the place of sale, shall be deemed to keep an ordinary. A license to keep an ordinary shall not be construed to authorize the sale of spirituous or malt liquors to be drunk elsewhere than in or at such ordinary, unless authorized by an additional license and the payment of an additional tax. The tax on an ordinary may be determined by the actual rent of the house and furniture, and may exceed such rent; and if it is not rented property, the commissioner shall determine the tax by what the probable rent would be; and the commissioner may require the proprietor or tenant to state on oath what is the amount of such rent, and what would be a fair rent therefor. If either of them refuse to state the same when so required, he shall pay a fine of three hundred dollars. Any person who shall keep an ordinary without a license, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same.
What ordinary license shall authorize	
Tax on ordinary; how determined	
Penalty	

What constitutes private entertainment.

Private entertainment	25. Any person who shall furnish, for compensation, lodging or diet to travelers, sojourners, or boarders in his house, or provender for a horse feeding in his stable or on his land, within five miles of any city, town, or village, shall be deemed to keep a house of private entertainment, unless he be an ordinary keeper or keeper of a boarding house. The tax thereon shall be a specific one, for the privilege of keeping such house; and if any tax is imposed upon the annual rent or value of such house, such annual rent or value shall be ascertained in the same manner the annual rent or value of an ordinary is required to be ascertained. A license to keep a house of private entertainment shall not be construed to authorize the sale of
What license not to include	

wine, spirituous, or malt liquors, or a mixture of any of them. Any person who shall keep a house of private entertainment without a license, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may keep the same. Penalty

What constitutes a boarding house.

26. Any person who shall furnish, for compensation, board and lodging to a person for a period as long as one week, shall, if he be not the keeper of an ordinary or house of private entertainment, according to the provisions of this act, be deemed to keep a boarding house. The tax thereon shall be a specific one for the privilege of keeping such house; and if any tax is imposed upon the annual rent or value of the house, such annual rent or value shall be ascertained in the same manner the rent or annual value of an ordinary is required to be ascertained. But no house shall be deemed a boarding house with less than five boarders; nor shall a license be required of any person who keeps a boarding school for boarding the students and teachers of such school. Any person who shall keep a boarding house without a license, shall pay a fine of not less than thirty dollars nor more than fifty dollars for each day he may keep the same. Boarding house
What deemed a
boarding house
Penalty

What constitutes an eating house.

27. Any person who shall cook, or otherwise furnish for compensation, diet or refreshments of any kind for casual visitors at his house, and sold for consumption therein, and who is not the keeper of an ordinary, house of private entertainment, or boarding house, shall be deemed to keep an eating house; but the refreshments herein named shall not consist of wine, spirituous, or malt liquors, cider, or a mixture of any of them. The proprietor of such licensed eating house may be licensed to retail to persons partaking of such diet and refreshments, wine, spirituous, or malt liquors, to be drank at such eating house. Such license shall be granted upon the certificate of the court of the county or corporation, in the same manner and to the same effect as certificates are granted to keep an ordinary. Any person who shall keep an eating house without a license, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may keep the same. Eating house
License to retail
liquors
Penalty

What constitutes a bakery.

28. Any person whose occupation is to bake bread, crackers, biscuits, cakes, and the like articles of food, and offer the same for sale, shall be deemed to keep a bakery; and any person so preparing such articles, may sell the same at the place of preparation without any additional license. If a tax shall be imposed on the value of such articles, the same shall be ascertained in a manner similar to that prescribed for ascertaining Bakery

Penalty a liquor merchant's sales. Any person who shall keep a bakery without a license, shall pay a fine of not less than thirty dollars nor more than fifty dollars for each day he may keep the same.

What constitutes a bowling saloon.

Bowling saloon 29. Any person who shall keep, for compensation, a saloon for the reception of company to play at bowls, or who shall keep an alley at which to play at bowls, and shall demand or receive any compensation for games played or services rendered thereat, shall be deemed to keep a bowling saloon. Any person who shall keep a bowling saloon without a license, shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each day he may keep the same.

Penalty

What constitutes billiard saloons.

Billiard saloon 30. Any person who shall keep, for compensation, a saloon or table at which to play at billiards, shall be deemed to keep a billiard saloon; and if a tax is imposed upon the tables kept therein, the same shall be on every table capable of being used for the purpose and kept therein, whether used or not. Any person who shall keep a billiard saloon without a license, shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each day he may continue the same.

Penalty

What constitutes a bagatelle saloon.

Bagatelle saloon 31. Any person who shall, for compensation, keep a saloon or table at which to play at bagatelle, shall be deemed to keep a bagatelle table; and if a tax is imposed upon the tables kept therein, the same shall be on every table capable of being used for that purpose and kept therein, whether used or not. Any person who shall keep a bagatelle table without a license, shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each day he may continue the same.

Penalty

Furniture in houses mentioned to be taxed 32. But nothing herein shall be construed to exempt the furniture in houses mentioned in this schedule from being taxed as property.

SCHEDULE D.

Theatres, lectures, and concerts.

Theatres, lectures, and concerts 33. No person shall, without a license authorized by law, exhibit, for compensation, any theatrical performance, or any performance similar thereto. If the legislature shall impose a specific tax on the persons attending such exhibitions, to be included in or added to a license, it shall be lawful for the commissioner of the revenue to attend such exhibition, to ascertain the number of persons who may be present. The person licensed shall also keep an account of the number of persons attending, so as to enable him to render a statement thereof on oath. Whenever the performance shall be licensed,

the actors operating thereat, under the license, shall be exempt from the license; but unless the performance shall be so licensed, each person engaged therein shall be liable to the penalty for a violation of this section. Every license and tax thereon shall be for each performance; but a license for a theatrical performance, may, if the person applying for the same desire it, be for the term of one week. For any violation of this section, every person offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence. Penalty

Shows, circuses, and menageries.

34. No person shall, without a license authorized by law, exhibit any show, circus performance, or any menagerie, or such like exhibition or performance; but this section shall not be construed to prohibit a resident mechanic or artist from exhibiting any production of his own art or invention. Whenever such show, exhibition or performance, circus or menagerie, shall be licensed, those engaged therein and operating under the license, shall be exempt from a license tax for performing or acting thereat. Shows, circuses, and menageries

35. Every show, exhibition, or performance, such as is described in the next preceding section, whether under the same canvas or not, shall be construed to require a separate license therefor, whether exhibited for compensation or not; and upon any such show, exhibition, or performance, being concluded, so that an additional fee for admission be charged, in lieu of a check authorizing the holder to re-enter without charge, it shall be construed to require an additional license for any further or other show, exhibition, or performance. If a tax shall be imposed for the persons attending the show, exhibition, or performance, the persons attending shall be ascertained in a manner similar to the mode prescribed by this act in respect to persons attending theatrical performances. For every violation of this section, the person so offending shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offence. Separate license; for what
Penalty

Public rooms.

36. No person shall, without a license authorized by law, charge for the use of any house in a city or town, or in any manner receive compensation for the use of the same, while used or employed to exhibit therein any theatrical performance, lecture, concert, or any other exhibition. Whenever such charge is made, or compensation is demanded or received for the use of such house, or any public rooms fitted for the purpose, a license shall be obtained; but no license shall be required of the proprietor or occupier of such house or public rooms in a town containing less than one thousand inhabitants; but no license to use such house for such exhibitions or performances shall be construed to exempt the house from Public rooms

Penalties taxation as property. For any violation of this section, the person so offending shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

SCHEDULE E.

Attorneys, physicians, and dentists.

Attorneys, physicians, and dentists 37. No person shall, without a license authorized by law, practice as an attorney at law, physician, surgeon, or dentist.

An attorney at law; where he may practice.

Attorneys; where practice 38. Every attorney at law, in addition to being licensed, sworn, and admitted to prosecute or defend actions, or other proceedings, in the courts of this commonwealth, on the retainer of clients, shall obtain a revenue license; and no person shall act as attorney at law, or practice law in the courts of this commonwealth, without a separate revenue license. A license to practice law in any county or corporation shall authorize such attorney to practice in all the courts of this state without an additional license. Any person violating the provisions of this section, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offence.

Where may practice

Penalty

Physicians, surgeons, and dentists.

Physicians, surgeons, and dentists 39. No person shall, without a license, practice as a physician, surgeon, or dentist; but a license to practice either profession shall confer the privilege of practicing in all the professions aforesaid, and a license granted to practice in any county or corporation shall authorize such physician, surgeon, or dentist, to practice in any of the professions authorized, throughout the commonwealth, without additional license.

Penalty Any person violating the provisions of this section, or who shall practice in either of the professions named, without a license, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offence.

Barbers.

Barbers 40. No person shall, without a license authorized by law, keep a barber shop; and every person who shaves or dresses hair for compensation, shall be held to be the keeper of a barber shop. Any person violating the provisions of this section, shall pay a fine of not less than twenty dollars nor more than fifty dollars for each day he may continue the same.

Penalties

Daguerrean artists.

Daguerrean artists 41. Any person who engages in fixing images of objects according to the invention of the daguerreotype, by whatsoever

name it may be called or known, shall be deemed to be a daggerrean artist; and every artist engaged in the business of the invention aforesaid, shall obtain a license, and it shall be unlawful so to engage without a license. For every violation of this act, the person so offending shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence. Penalty

Stallions and jackasses.

42. No person shall, without a license authorized by law, let to mares for compensation, any stallion or jackass. Every license to the owner of a stallion or jackass shall specify the name of such stallion or jackass, if any name has been given. A license to the owner of any such stallion or jackass, for any county or corporation, shall authorize the stallion or jackass to stand in any county or corporation without any additional license. Any person violating the provisions of this section, shall pay a fine of not less than thirty dollars nor more than fifty dollars for each offence. Stallions and
jackasses

Penalty

Agents for renting houses.

43. Any person engaged in renting houses, farms, or other real estate for compensation or profit, shall be deemed to be an agent for renting houses, and when licensed as such, may engage not only in renting houses, but any real estate. Agents for rent-
ing houses

44. Any person engaged as an agent for renting houses as aforesaid without a license, shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each offence. Penalty

Storage or impounding.

45. No person shall, without a license authorized by law, keep for compensation any house, yard, or lot for storage or impounding of any goods, wares, or merchandize, including wood, coal, lumber, lime, guano, marl, or any similar commodities, or any live stock, or make, demand, or receive in any manner, compensation for storage or impounding. Any person who shall demand or receive compensation for storage or impounding as aforesaid, or who shall in any manner violate the provisions of this section, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence. Storage or im-
pounding

Penalty

Livery stables.

46. Any person who keeps a stable or stalls in which horses are kept at livery or fed, or at which horses and vehicles are hired for compensation by the proprietor, shall be deemed to keep a livery stable; and no person shall, without a license authorized by law, keep a livery stable. But this section shall not be construed to prevent the keeper of a licensed ordinary or house of private entertainment from feeding the horses of travelers or guests stopping at such ordinary or house of pri- Livery stables

Penalty vate entertainment. Any person violating the provisions of this section, shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each offence.

Foreign insurance companies.

Foreign insurance companies

47. No person shall, without a license authorized by law, act as agent for any foreign insurance company; and any person offering to insure, or who makes any contract or policy of insurance for or on behalf of any company created or incorporated elsewhere than by or in this state, shall be regarded as an agent of a foreign insurance company. Any person acting as above, as an agent of any such foreign insurance company, shall pay a fine of not less than fifty dollars nor more than five hundred dollars for each offence.

Penalty

Telegraph companies.

Telegraph companies

48. No telegraph company, nor any agent or officer of such company, nor any person operating the apparatus necessary to communicate by telegraph, shall transmit any messages or communications over the wires of such company or person, without a license authorized by law. If the business be conducted by an incorporated company, the license shall be to the company; which company may employ agents, without a license being required of such agents. If the business be conducted by any person, firm, or company, not incorporated, the license shall issue to such person, firm, or company. When a license shall have issued, messages or communications may be transmitted through any county or corporation in this state. One license for the same company shall be sufficient; and this section shall not be construed to require a license for each office of the same company. Any person violating the provisions of this section shall pay a fine of not less than one hundred dollars nor more than five hundred dollars for each offence.

Penalty

GENERAL PROVISIONS FOR THE ASSESSMENT OF LICENSES.

Licenses; to whom granted.

License; to whom granted

49. A license may be granted to any citizen of this state; to any person entitled to the privileges and immunities of a citizen thereof; to any person residing in the state; to any firm or company having a place of business in the state and doing business thereat; to any corporation created by this state, or any of the United States, and to any other person on whom a license tax shall be specially imposed.

When a license is required.

When license required

50. Whenever a license shall be specially required by law, and whenever the general assembly shall levy a license tax on

any business, employment, or profession, it shall be unlawful to engage in such business, employment, or profession, without a license, and it shall be held that a license is required. In all cases where such tax is imposed, it shall be lawful to grant a license for the business, employment, or profession so taxed; and if the manner of granting a license shall not be prescribed by law, the said license may be granted according to the law which governs in similar cases, and subject to such restrictions as appertain thereto.

Duty of a person who is about to engage in a licensed business.

51. It shall be the duty of every person who is engaged, or desires to engage in any business, employment, or profession, for the prosecution of which a license is required, to apply to the commissioner of the revenue of the district where the business, employment, or profession, is to be prosecuted, for an assessment of the tax imposed by law on the license he desires to obtain. But in cases requiring a certificate from the court authorizing license, the same shall be exhibited to the commissioner of the revenue before the assessment is made. It shall thereupon be the duty of the commissioner to administer the oath required by this act, and deliver to such person a certificate showing the business, employment, or profession which may be pursued, the place at which the same may be prosecuted, and the amount of tax to be paid by such person for the licensed privilege. The certificate so issued by the commissioner, shall be produced to the sheriff or other officer authorized to collect the property tax in the county or corporation wherein the certificate was issued, and it shall be the duty of the sheriff or other officer to receive the taxes named therein, and grant to such person a receipt for the taxes written upon such certificate. Such certificate and receipt, made in conformity to law, shall be held to be a license to prosecute the business, employment, or profession named therein.

Shall apply to commissioner

Certificate; when required

Duty of commissioner

Certificate from commissioner

Sheriff's receipt

How commissioner obtains a license.

52. Whenever a commissioner of the revenue desires to obtain a license, which, in the case of another person applying therefor, would be granted by himself, the tax may be paid without such certificate; but the receipt for the tax shall be produced, and the license shall be granted by the court of the county or corporation.

How commissioner obtains license

Appeals from commissioner's valuation.

53. If the person desiring the license be dissatisfied with the valuation of the commissioner, he may, within sixty days, appeal to the court of the county or corporation, whose judgment shall be final.

Appeals from commissioner's valuation

Individual names to be stated in a license.

Individual names to be stated in license	54. When a license is granted to a company or firm, such license shall specify the individual names of each person composing the company or firm; and any person exercising any of the privileges of the license, not so named, shall be held to be transacting the business, employment, or profession, without a license; but this section shall not apply to any silent partner whom it might be lawful to include, nor to any person who may be added to the firm after the grant of such license.
Silent partners, &c.	
Change of firm	55. No change in the name of the firm; nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered as commencing business; but if any one or more of the partners remain in the firm, the business shall be regarded as continuing; and if they dissolve, and such partner, or any number of them, continue business, any tax on the sales or profits of the business which might otherwise be chargeable to the firm, may be apportioned amongst them, according to the justice of the case. As one of the means of ascertaining the amount of the license tax, the commissioner shall propound interrogatories to such person, and may use such other evidence as he may procure. Such interrogatories shall be answered under oath. Any person violating the provisions of this section, shall pay a fine of not less than fifty dollars nor more than one thousand dollars for each offence.
Dissolution of partnership	
Commissioner's interrogatories	
Penalty	

Place of business to be designated.

Place of business to be designated	56. Every license granting authority to engage in or exercise any business, employment, or profession, unless expressly authorized elsewhere or otherwise, shall designate the place of such business, employment, or profession, at some specified house or other definite place within the district of the commissioner of the revenue granting it. Engaging in or exercising any such licensed business, employment, or profession, elsewhere than at such house or definite place, unless expressly authorized elsewhere or otherwise by law, shall be held to be without a license. A license which does not specify such house or definite place where business, employment, or profession is limited thereto by law, shall be deemed to be void.
When license deemed to be void	

Separate licenses.

Separate licenses	57. A separate license shall be granted to each member of a firm or company of attorneys at law, physicians, surgeons, and dentists; and where the tax is estimated on the income from the professional business of a firm or company, if any part thereof is exempt from taxation, the exemption in favor of such firm or company shall apply to each member thereof.
Exemption to apply to each member of firm	

When double tax is imposed.

58. If the commissioner of the revenue shall ascertain that any person is continuing the business licensed for the preceding year, or any part thereof, without making an application for a renewal of such license, or if he shall ascertain that any person has commenced any business, employment, or profession, for the prosecution of which a license is required, without making application to such commissioner for a license, he shall, in either case, assess such person, upon the best information he can obtain, in the same manner he would make the assessment if the application had been made to him; but the tax shall, in either case, be assessed by him at twice the amount which would otherwise have been imposed for a year on such business, employment, or profession: provided, that any such person who may have continued or commenced business in the year eighteen hundred and seventy, and who has been prevented from obtaining license by reason of vacancies in office, shall not be liable to such penalty. Immediately after the commissioner shall have made his assessment, under the provisions of this section, he shall deliver a certificate of such assessment to the sheriff or other officer authorized to collect the taxes, who shall thereupon have authority to make distress and use all the remedies to collect the same that are now given for the collection of other taxes. When the tax shall be paid, and if necessary, the court's approval of the license shall be procured, the person so assessed shall be deemed to be licensed, if he be authorized under existing laws to obtain a license.

When double tax imposed

Proviso

Power of distress

When person to be deemed licensed

59. The auditor of public accounts shall, for good cause to him shown, have full power to reform any assessment of a license tax; may require a new obligation, with additional security, where such bond and security shall be required by law. He may appoint an agent to make such new assessment and to take such bond; and upon such new assessment being made, the original assessment shall thereupon be set aside, and the license granted shall cease. The said auditor may pay to such agent, out of the treasury, a reasonable compensation, not exceeding the compensation allowed to a commissioner of the revenue for the assessment of property.

Auditor; power to reform assessment, &c.

May appoint agent

Agent's compensation

Deduction from commissioner's compensation.

60. If a commissioner shall, in his list of licenses to be furnished to the auditor of public accounts, charge or extend, in any case, a tax less than the law requires, the said auditor shall deduct the amount omitted to be charged or extended from the compensation of the commissioner; and to enable the auditor to make an examination of such lists, the commissioner shall return to him, with his return of licenses, all interrogatories which may have been propounded by him, under the direction of said auditor, and answered.

Deduction from commissioner's compensation

Interrogatories returned

To whom tax is to be paid.

To whom tax
paid

61. The tax on every license issued under this act shall, unless otherwise provided for, be paid to the officer of the county or corporation wherein the license is issued, who, at the time of payment, may be authorized to collect the taxes on property assessed for that year in such county or corporation.

When licenses expire.

When licenses
expire

62. All licenses shall expire on the thirtieth day of April, except licenses to theatres, public shows, exhibitions, or other performances, and to bowling alleys and billiard tables at watering places. Licenses to keepers of bowling alleys or billiard tables at watering places, may terminate on the thirtieth of April, or at the end of four months, whichever may happen first. If granted for four months or less, the tax thereon shall be fifty per centum of the annual tax. Licenses to theatres shall be for one week, unless the commissioner shall consider that the license will not be renewed at the end of one week, in which event he shall refuse a license for a longer term than twenty-four hours. Licenses to public shows, exhibitions, or other performances, shall be for twenty-four hours, unless the same be concluded in less than twenty-four hours, and if so concluded, the license shall cease. It shall be held to have expired whenever additional pay is exacted to return to the exhibition or performance, in lieu of a check authorizing the holder to return without compensation. In those cases wherein it is necessary for the county or corporation courts to give a certificate necessary to the grant of a license, or to give a license validity, such certificate may be given at the March or April court next preceding the first day of May on which such license is to take effect: provided, that for the year eighteen hundred and seventy, the certificate may be given at any term of the court, to take effect from the first day of May next preceding. Where such license is not for the period of one year, such court may at the time, or before granting a license, give such certificate. If any license be granted for less than a year, the tax thereon shall bear such proportion to the whole annual tax as the space of time between granting the same and the thirtieth of April bears to the whole year, unless otherwise provided; but there shall be no abatement from the tax on the following licenses, if the same be exercised for less than a year, to wit:

Proviso

Where license
is for less than a
year

No abatement
on following
licenses

First—On a license to keep a stallion or jackass.

Second—Common criers.

Third—On attorneys at law, physicians, surgeons, dentists, and barbers.

Fourth—To manufacture wine, ardent spirits, or malt liquors.

Fifth—Canvassing counties to purchase matters of subsistence.

- Sixth—Peddlers.
- Seventh—Sample merchants.
- Eighth—Sale of patent rights.
- Ninth—Public rooms for exhibitions.
- Tenth—Daguerrean artists.
- Eleventh—Foreign insurance companies.

List of licenses to be furnished by the sheriff.

63. Within ten days after a commissioner of the revenue shall have granted a certificate to obtain a license, he shall deliver to the sheriff or other collector of the taxes on such licenses, a list of all such certificates, as far as he may have progressed with the same; which list shall be the guide of the sheriff or collector in collecting the taxes imposed by law on such license. If the taxes be not paid, the sheriff or collector shall distrain, immediately upon the receipt of such list, for the amount with which any person may have been assessed; and he may sell, upon ten days' notice, so much of said person's property, subject to distress, as may be necessary to pay the taxes so assessed, and the costs attending its collection. If the sheriff or collector shall be unable to find sufficient property to satisfy the taxes so assessed, and the same shall not be immediately paid, the said sheriff or collector shall arrest the person so assessed, and hold him in custody until the payment is made, or until he enter into bond, with sufficient security, in a penalty at least double the amount of the taxes so assessed, conditioned for his appearance before the circuit court of his county or corporation, to answer to such action of debt, indictment, or information as may be brought against him, and to satisfy not only the fine imposed, but to pay the taxes assessed; and it shall be lawful for the court, upon the trial of such action of debt, indictment, or information, to render judgment upon such bond for the fine imposed and the taxes which may be assessed.

List of licenses to be furnished to sheriff

Power to arrest

Judgment

When list of licenses to be returned to auditor.

64. Every six months, to wit: the first day of May and the first day of November of each year, the commissioner of the revenue shall return, on oath, to the auditor of public accounts, and to the clerk of the court of the county or corporation, a fair classified list of all licenses, and certificates for obtaining the same, granted by him within the last preceding six months, embracing all such licenses and certificates as were not contained in any preceding report; and if no licenses were issued, he shall report the fact, on oath, at the times aforesaid: provided, that on the first day of August, eighteen hundred and seventy, the commissioner shall return to the auditor a list of all licenses granted by him since the first day of November, eighteen hundred and sixty-nine, and not returned before the first mentioned date; and on the first day of November, eighteen hundred and seventy, he shall return to the auditor a like list of all licenses granted by him subsequent to the first day

When list of licenses to be returned to auditor

Proviso.

Names of persons licensed (arranged alphabetically, &c.

of August of the same year. In each class of licenses the names of the persons licensed shall also be arranged alphabetically; and such list shall specify the date of each license and the time it terminates; for what it was granted; the name of the person, firm, or company to whom granted; the amount of tax mentioned in the certificate to obtain the license; to whom such certificate was delivered; and if delivered to any deputy sheriff or collector, shall state also the name of his principal, and shall also show the data on which his calculation of the tax was made. It shall be the duty of the auditor of public accounts to furnish to each commissioner, printed forms and oaths for authenticating such lists or reports as above indicated, which may be altered by said auditor, and the commissioner shall make report according to such forms. Any commissioner failing to make such report at the time specified, shall forfeit not less than one hundred dollars nor more than five hundred dollars, and unless a reasonable excuse is given, shall forfeit all compensation to be received from the treasury.

Printed forms

Penalty

License returns evidence.

License returns to be evidence

65. Any list of licenses, or certificates for obtaining the same, signed or sworn to by a commissioner issuing the same, or if he be dead, by his personal representative, wherein the amount of tax is stated, and to whom the certificate for obtaining the license was delivered, shall be evidence to charge the sheriff or collector with the amount of such tax.

License a personal privilege.

License a personal privilege

66. Every license shall be held to confer a personal privilege to transact the business, employment, or profession which may be the subject of the license, and shall not be exercised except by the person, firm, company, or corporation licensed, or for his or their exclusive benefit.

Licenses assignable; how, &c.

How assigned

67. A license may be assigned to any person to whom it might have been originally granted; and if it was obtained, or had its validity by reason of a certificate of any court, or of any oath or bond, the assignment shall not be valid without a like certificate in favor of the assignee, and a like oath or bond by the assignee, as was required for the original grant, and when assigned, shall be a personal privilege to the assignee, and shall not be exercised by any other person other than the assignee or assignees.

When a place of business may be changed; how.

When place of business may be changed; how

68. When a person has obtained a license to carry on any business, occupation, or profession at any definite place in the commissioner's district, and desires to remove to any other place in the county or corporation wherein his license was

granted, and wishes his license altered accordingly, the commissioner may make such alteration.

Separate violations of law ; what.

69. If the law annexes a penalty for each or every violation of its provisions, or for each separate offence, it shall be lawful to hold that each day's continuance in the exercise of any business, employment, or profession for which a license is required, constitutes a separate offence.

Separate violations of law ; what

Sheriff or collector not to receive taxes in certain cases.

70. No sheriff or collector shall receive from any person a license tax unless he has first received a list of licenses, or a certificate of the commissioner, showing the amount with which such person has been assessed.

When sheriff or collector not to receive taxes

Taxes ; when payable.

71. The taxes assessed on licenses shall be accounted for and paid into the treasury by the sheriff or collector at the following times : taxes assessed on or after the first day of November and before the first day of May following, shall be accounted for and paid on or before the thirtieth day of the said month of May ; and the taxes assessed on or after the first day of May and before the first day of November following, shall be accounted for and paid on the fifteenth day of December next thereafter, save as follows : a sheriff or collector, the courthouse of whose county or corporation is more than thirty miles from the seat of government, shall be allowed, in addition, one day after the said thirtieth of May and the fifteenth of December, for every thirty miles distance therefrom : provided, that for the year eighteen hundred and seventy, the taxes assessed on or before the first day of August, shall be accounted for and paid into the treasury on or before the thirtieth day of August ; and the taxes assessed after the first day of August and before the first of November, shall be accounted for and paid into the treasury on the fifteenth day of December.

Taxes ; when payable

Proviso

Delinquents ; how returned.

72. When a sheriff or other collecting officer is unable to find property out of which to make the taxes imposed upon persons who may have been assessed with a license tax, such sheriff or collector may return such persons as insolvents, according to the laws in relation to uncollected taxes, he having performed the duties imposed on him by this act, or having shown his inability to do it.

Delinquents ; how returned

Commissions to sheriffs and collectors.

73. Every sheriff or collector receiving taxes on licenses shall be allowed a commission of two per centum for their col-

Commissions

lection on the first five thousand dollars, and one per centum upon any excess over that sum; and if he shall, punctually, pay the same into the treasury within the time prescribed by law, he shall be allowed an additional compensation of two per centum on the first five thousand dollars, and of one per centum on any excess over that sum.

Sheriff's return of licenses.

Sheriff's return
of licenses

74. The sheriff or collector shall be furnished by the auditor of public accounts with forms, arranged so as to show the date of each certificate for obtaining a license issued by a commissioner of the revenue, and delivered to such sheriff or collector; the name of the person, firm, or company to whom it was issued, and the amount of tax assessed thereby. The sheriff or collector shall list all such certificates received by him according to such forms, and return the list to the auditor of public accounts at the time he is required by law to pay the taxes on such licenses, and shall make oath to the truth of such list or report; and if such sheriff or collector have deputies, such form shall be so arranged that the principal and each deputy shall make oath to a list concerning the operations of his district.

Property and profits of a licensed business; when not exempt from taxation.

License not to
exempt prop-
erty or profits

75. A license shall not be construed to exempt from taxation the property used in the licensed business, or the profits of such business.

Commissioner's fees on licenses.

Commissioner's
fees

76. For every certificate issued by a commissioner to a person desiring, or who ought to obtain a license, the commissioner shall be entitled to a fee of seventy-five cents. He shall also receive a fee of fifty cents for a transfer of a license. All such fees shall be paid by the person obtaining the certificate or transfer, as the case may be; and where the person, firm, or company applies for a certificate, the same may be withheld until the fees are paid. The commissioner shall, for his assessment of taxes on licenses, be allowed a commission of one per centum on the first five thousand dollars assessed in his district, one-half of one per centum on the excess over five thousand dollars and under ten thousand dollars, and for the excess over ten thousand dollars, he shall be allowed one-fourth of one per centum on such excess; which commission shall be paid out of the treasury, by warrant from the auditor of public accounts.

Sheriffs and collectors to report licenses.

Sheriffs and col-
lectors to report
licenses

77. Every sheriff and every sergeant of a corporation who is collector of the public taxes, shall note and keep a memorandum of every omission or violation of duty of every com-

missioner of the revenue which he discovers; and he shall report in writing, on oath, to the commonwealth's attorney and to the auditor of public accounts, all such omissions and violations of duty. If none be discovered by him, he shall, in like manner, make report thereof. For a failure to make such report, all commissions and other compensation allowed him for the collection of the taxes and other public dues, shall be withheld until such report is made, or the failure to make the same satisfactorily accounted for to the auditor of public accounts.

Redress against erroneous assessment.

78. Any person assessed with a license tax, aggrieved thereby, may, within two years after such assessment, apply for relief to the court in which the commissioner gave bond and qualified. The attorney for the commonwealth shall defend the application; and no order made in favor of the applicant shall have any validity unless it be stated on the face thereof that such attorney did defend it; that the commissioner, or his successor, was examined as a witness touching the application, and the facts proved be certified.

Redress against
erroneous
assessment

79. If the court be satisfied that the applicant is erroneously charged with taxes, and that the erroneous assessment was not caused by reason of the failure or refusal of the applicant to furnish the commissioner, on oath, the necessary information, such as the law requires, it may order that the assessment be corrected by increasing or diminishing the amount of taxes. If the assessment exceeds the proper amount, the court may order that the applicant be exonerated from the payment of so much as is erroneously charged, if not already paid; and if paid, that it be refunded to him; and if the assessment be less than the proper amount, the court shall order that the applicant pay the proper taxes, and shall furnish the auditor of public accounts with the new assessment.

Assessment;
how corrected

How refunded

80. An order of exoneration made as aforesaid, delivered to the sheriff or collector, shall restrain him from collecting so much as is thus erroneously charged; or if the same has already been collected, shall compel him to refund the money, if such officer has not already paid it into the treasury; and either way, when properly endorsed by the applicant, it shall be a sufficient voucher to entitle the officer to a credit for so much in his settlement with the auditor of public accounts.

Order of
exoneration

81. If what was so erroneously charged has been paid into the treasury, the order of court shall entitle the claimant to a warrant on the treasury for the amount thereof: provided, application for the same be made to the auditor of public accounts within one year after the date of such order.

How refunded
from treasury

Within what
time

82. If the court shall be of opinion that the error asked to be corrected was committed by reason of the neglect or carelessness of the commissioner, it may render judgment against him for the costs of the application; and if the erroneous entry was made by reason of the failure or refusal of the person charged, to furnish the commissioner with the necessary information, the court shall refuse relief.

Costs; how
rendered

Appeal or supersedeas authorized.

Appeal or
supersedeas
authorized

83. If from the statement of facts, or other evidence, the auditor of public accounts shall be of opinion that the order of court granting the redress is erroneous, he may advise a supersedeas or appeal to the circuit court of the county or corporation having jurisdiction over the county or corporation in which the order was made. Such appeal or supersedeas shall be granted as a matter of right, and shall be prosecuted by the attorney for the commonwealth for such court. The circuit court, upon the facts stated, and upon such other evidence as either party may offer, shall correct, affirm, or reverse the order of exoneration, and shall make such order thereupon, for the collection of the taxes or otherwise, as such court may consider proper. The appeal or supersedeas shall be tried in a summary way, without pleadings in writing. No costs shall be awarded by the court, or paid by the commonwealth, about such appeal or supersedeas, unless the court, in its discretion, shall give judgment for costs against the commissioner who made the erroneous assessment.

Costs

Penalties for violations generally.

Penalties for
violations gene-
rally

84. Any person who shall engage in or exercise any business, employment, or profession without a license, if a license shall be required by law, or shall in any manner violate the license or revenue laws of the state, if no specific fine is imposed for such violation, shall pay a fine of not less than thirty dollars nor more than one thousand dollars for each offence.

Penalties ; how recoverable.

Penalties ; how
recoverable

85. The penalties prescribed in this act, except those recoverable in the circuit court of the city of Richmond, by existing laws, shall be recoverable by action of debt, presentment, indictment, or information.

In debt.

Action of debt

86. Such action of debt may be brought in the name of the commonwealth, either in the county or corporation wherein the offence was committed, or wherein the offender resides or may be found ; and such action may be either in the county or corporation court, or in the circuit court of the county or corporation. Such action of debt may be instituted at any time within five years after the offence was committed, and shall be for the maximum penalty prescribed, and for each violation of any of the laws and prohibitions contained in this act. In the action of debt, bail shall be required as a matter of right ; and if deemed necessary, an attachment may issue without the affidavit and bond required in other cases, either before the institution of a suit, or during the pendency of the same. A declaration shall be filed, but no orders or pleading at rules

Within what
time

Bail

Declaration, &c.

shall be necessary, and no exceptions shall be allowed to the declaration for any defect or want of form. If the offence is not sufficiently stated, the court shall require, under such rules as it may adopt, at any time before a verdict may be rendered thereon, a full and explicit statement of the offence. In all such proceedings, the court shall render judgment according to the very right of the case. In case the defendant be arrested and in custody for want of bail, he may at the time of the arrest, or at any time before a judgment be rendered in the action, give bond, with sufficient security, in a penalty equal to the penalty sued for, to the officer making the arrest, or to the clerk of the court wherein the action was instituted. Such bond shall be payable to the commonwealth, and shall be conditioned for the appearance of the party to answer the action, and to abide by and satisfy the judgment of the court. Upon the execution of such bond, the defendant shall be discharged from custody. The bond shall be returned to and filed with the clerk in the papers of said action.

Judgment

Bond

Presentments, indictments, and informations.

87. Upon any presentment made, indictment found, or information filed in a prosecution under the license or other revenue laws of this commonwealth, the court may award a capias or other legal process against the defendant, returnable to the same term, or the next term of the court. In all actions of debt or other prosecutions for any violation of the revenue laws, the attorney for the commonwealth shall be entitled to a fee of ten dollars, to be taxed in the bill of costs. No attorney or officer shall be entitled to the payment of any fees, out of the treasury, for services rendered in any proceedings herein authorized. In all judgments rendered in any prosecution under the license or other revenue laws of this state, the clerk, amongst other cost, shall tax against the defendant the sum of five dollars as the expenses of the jury; which the clerk shall, with the fine, certify to the auditor of public accounts; which costs shall be paid into the public treasury to the credit of the commonwealth: provided, that no such tax shall be entered unless jurors shall be entitled by law, to receive compensation for their services. Two years shall be allowed to institute any criminal prosecution for a violation of the license or other revenue laws of this state.

Upon presentment, &c., capias awarded

Attorney's fee

Costs; how taxed

Proviso

Limitation

88. The act passed April nineteenth, eighteen hundred and sixty-seven, entitled an act amending an act entitled an act amending the thirty-eighth chapter of the Code (edition eighteen hundred and sixty), in relation to the assessment of taxes on licenses, passed February thirteenth, eighteen hundred and sixty-six, is hereby repealed.

Repeal of certain acts

89. This act shall be in force from its passage.

Commencement

CHAP. 175.—JOINT RESOLUTION requesting Governor to Return to the House of Delegates Senate Bill 158.

Agreed to June 16, 1870.

Governor requested to return to house of delegates senate bill No. 158

Resolved (the house of delegates concurring), That the governor be and he is hereby respectfully requested to return to the house of delegates senate bill No. 158, amending the Code in regard to granting injunctions.

CHAP. 176.—JOINT RESOLUTION requiring the Keeper of the Rolls to Withhold House Bill No. 156, entitled an act to amend and re-enact an act entitled an act to incorporate the Town of Liberty, &c.

Agreed to June 18, 1870.

Keeper of rolls requested to withhold house bill to incorporate town of Liberty

Resolved (with the concurrence of the house of delegates), That the Keeper of the Rolls be authorized and required to withhold house bill entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, No. 156.

CHAP. 177.—An ACT to Amend and Re-enact the Fifth Section of an act entitled an act to Prescribe and Define the Jurisdiction of the County and Corporation Courts of the Commonwealth, and the Times and Places of Holding the Same, approved April 2d, 1870.

Approved June 29, 1870.

Act as to jurisdiction of county and corporation courts amended

1. Be it enacted by the general assembly, That the fifth section of an act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the commonwealth, and the times and places of holding the same, approved April second, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 5
In case of vacancy in office of judge

"§ 5. If any judge of a county court be unable or fail to attend a regular term of his court, or be prevented from sitting during the whole term, or be so situated in respect to any cause pending in said court, as, in his opinion, to make it improper for him to try it, or if, from death or other cause, there be no judge of such county, any other county judge may hold said court, either for the whole term or any part thereof."

Clerk to certify fact to governor

2. The clerk of the court of the county where a vacancy exists, shall certify such fact to the governor of the state, who is hereby authorized to designate any county court judge to hold the regular terms in said county until the vacancy is filled, and for such service said judge shall receive the mileage prescribed by law, and five dollars per day for the time in which he is actually engaged in holding court, to be paid out of the state treasury by a warrant of the auditor of public accounts upon the certificate of said judge.

Commencement

3. This act shall be in force from its passage.

CHAP. 178.—An ACT to Amend and Re-enact Section Nine, Chapter Fourteen of the Code, fixing the pay of the Attorney-General.

Approved June 29, 1870.

1. Be it enacted by the general assembly, That the ninth section of chapter fourteen of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Code of Va., chap. 14, § 9, amended, as to pay of attorney-general

“§ 9. The attorney-general shall receive annually the sum of \$2 two thousand dollars, and the mileage allowed him shall be the same as that allowed the judges of the court of appeals whilst traveling to and from said court. The salary shall be paid monthly by a warrant from the auditor drawn on the treasurer; and the mileage, upon his certificate of honor that the same was incurred whilst traveling on business for the state.”

2. This act shall take effect from the twenty-fourth of January, eighteen hundred and seventy.

Commencement

CHAP. 179.—An ACT Prescribing the Duties and Compensation of County Officers.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the duties, compensation, and liabilities of sheriffs, attorneys for the commonwealth, and clerks of the county and circuit courts, shall be the same as are now or may hereafter be prescribed by law; except that the sheriff, after the year eighteen hundred and seventy, shall not collect the state revenue or the county levy, and except that the attorney for the commonwealth shall not be allowed a fee in any case of felony or misdemeanor unless the same be prosecuted to conviction or a judgment for the commonwealth; and said officers, except attorneys for the commonwealth, shall reside in the county for which they are elected: provided, however, that in the case of every such officer, attorneys for the commonwealth included, the removal of the officer from the county in which he resided when elected, shall vacate his office in that county, and be in all respects subject to existing laws relating to their respective offices, so far as the same are applicable; but no person shall be attorney for the commonwealth for more than one county, except in cases where the district of a county judge includes more than one county; then one person may be attorney for the commonwealth for each of said counties.

Sheriffs, commonwealth's attorneys, and clerks; their duties, pay, &c.

Proviso

When attorney for commonwealth may be for more than one county

2. Each officer mentioned in the preceding section, and every other county officer elected in November, shall, on or before the first day of January next after his election, qualify by taking the oaths of office prescribed by law, before the judge for the circuit or county court of his county, either in term time or in vacation: provided, if said qualification is in vacation, the

When and before whom to qualify

Proviso

certificate thereof and the oath shall be returned to the clerk of the county court, who shall record said certificate and the fact of the taking of the oath in the minutes of the next term.

Bond of officers 3. Each officer mentioned in the first section shall, at the time of his qualification, enter into such bond, with such condition and in such penalty, as may be required by law, with sureties to be approved by the court or judge before whom he qualifies: provided, that the penalty of the sheriff's bond in any county shall not be less than twenty thousand dollars nor more than fifty thousand dollars, to be determined by said court or judge.

Sheriff's bond

The county treasurer.

County treasurer

4. The county treasurer shall, at the time of his qualification, enter into bond, with surety, to be approved by the court or judge before whom he qualifies, in a penalty to be determined by said court or judge; but not less in any case than double the amount to be received annually by such treasurer, which bond shall conform to the requirements and be subject to the provisions of section eight, chapter thirteen of the Code of Virginia of eighteen hundred and sixty, a copy of which said bond shall be certified by the clerk to the auditor of public accounts.

Who shall not be county treasurer

5. No person holding the office of attorney for the commonwealth, judge of the county court, clerk of the county or circuit court, or sheriff, shall hold the office of county treasurer.

Vacancy; how filled

6. In case of a vacancy in the office by death, resignation, or removal, or otherwise, it shall be the duty of the judge of the proper county, in term time or in vacation, to fill such vacancy by appointment, and the person so appointed, upon qualifying and giving bond as required by sections two and four of this act, shall hold his office until the next general election in said county, and until his successor is elected and qualified: provided, that whenever the judge shall make such appointment in vacation, he shall certify the same to the clerk of the county court, to be entered on the minutes or order book as a vacation order.

Proviso

His deputies

7. The county treasurer may appoint one or more deputies to assist him in the duties of his office, who shall qualify in the manner now prescribed for the qualification of deputy sheriffs, who may perform all the duties of treasurer, and shall be subject to removal by his principal or by the court of his county. The treasurer may take from the person so appointed, such bond and security as he shall deem necessary for his indemnity.

His residence and office

8. The treasurer shall reside in the county of which he is treasurer, and shall keep his office at the county seat, and shall receive all moneys payable into the treasury thereof, and disburse the same on orders of the county or circuit court, or warrants drawn by the board of supervisors for the county; but it shall be competent for the judge of the county court, by order entered of record, to certify that in his opinion some other point in said county would be more convenient to a

majority of the citizens of said county; and upon the entry of such order, the treasurer for such county shall remove his office to the place named in said order; but either he or his deputy shall attend all regular terms of the county court.

9. He shall keep a just account of all moneys received and disbursed by him for the county, and shall, on the first day of April, and thereafter at intervals of two months, until his settlement with the board of supervisors at the end of the year, as hereinafter provided for, return to the clerk of the county court of his county a sworn statement of the amount received by him up to the expiration of said two months, and shall charge himself upon his books with the amount of such receipts; but he shall have ten days from the first day of April, and the expiration of the said two months, to make said report; and the clerk of the county shall file said report and preserve the same for the inspection of any citizen of the county, or other person having an interest therein. He shall keep the books, papers, and money pertaining to his office at all times ready for the inspection of the county judge or board of supervisors for the county, and shall, when required, exhibit his account and the book containing a list of the warrants and orders drawn upon the county treasurer provided for in the following section.

His account
Statement, to
clerk

His books, pa-
pers, &c.; in-
spection of same

10. He shall provide and keep a well bound book, in which he shall make an entry of all warrants or orders legally drawn upon him by the county or circuit court, or the board of supervisors for the county, and presented for payment, stating correctly the date, amount, number, in whose favor drawn, and the date the same was presented; and all warrants or orders so presented shall be paid, in the order presented, out of the fund drawn upon.

Entry of war-
rants or orders

11. No county treasurer shall refuse the payment of any warrant or order legally drawn upon him and presented for payment, for the reason that warrants or orders of prior presentation have not been paid, when there shall be money in the treasury belonging to the fund drawn upon, sufficient to pay such prior warrants or orders, and also such warrants or orders so presented; but such treasurer shall, as he shall receive money into the treasury belonging to the fund so drawn upon, set the same apart for the payment of warrants or orders previously presented, and in the order presented: provided, however, that nothing herein contained shall prevent the treasurer from receiving warrants of the county in payment of the county levy.

Funds; how
paid out, &c.

Proviso

12. He shall, under the direction of the board of supervisors, provide suitable books and stationery for his office, and preserve the same; and as often, and in such manner as may be required by the county court or board of supervisors, he shall furnish an account of the receipts and expenditures of the county, and a statement of his account as treasurer, with the county.

Books and
stationery

Account of re-
ceipts and ex-
penditures

13. He shall receive the county levy in the manner herein after prescribed for the receipt of the state revenue, and shall, at the December meeting of the board of supervisors, settle

County levy;
how collected
and accounted
for

with said supervisors his account for that year; and if he die, resign, or be removed from office, and when his term of office expires, he (or if he be dead, his personal representative,) shall immediately make such settlement; which settlement shall show the amount in his hands to be accounted for, and the fund to which the same belongs, and shall deliver to his successor in office all books and papers belonging to his office and money belonging to the county.

Annual settlement; what he shall not be credited for

14. In the annual settlement of the treasurer with the board of supervisors, he shall not have credit for any portion of the county levy placed in the hands of any township collector and not paid over or accounted for by him by the first of October, unless it appear to said board, by competent proof, that he instituted proceedings against said collector, in the manner hereinafter provided for, as soon after the first day of October as the length of notice required would permit, and that said proceedings have not been delayed by any default or negligence of said treasurer.

When he may have credit for levy in hands of collector unaccounted for

15. If it appear that such proceedings as are referred to in the preceding section, were instituted within the time required by said section, and have not been delayed by any default or negligence of the treasurer, then he shall have credit upon that settlement for so much of said levy embraced in the receipt of said collector as he may, upon oath, declare has not been paid to him; but the same shall be carried to his account for the next year, and shall be accounted for by him as soon as collected; and if the treasurer go out of office, he and his sureties shall nevertheless be liable for the amount until paid, or until the board of supervisors shall certify that the same has been lost without any default or negligence of said treasurer.

His liability for same

Liability of treasurer for failure to recover against collector

16. If the treasurer fail, by any default or negligence of his own, to recover against such collector, as is mentioned in the two preceding sections, as much as he has received credit for in his annual settlement, he shall, as soon as the judgment in said case is pronounced, become immediately liable for the difference, with damages, after the rate of five per centum per month, from the time such money ought to have been accounted for.

Not to purchase at a discount any warrant or order on county treasury

17. No county treasurer shall, either directly or indirectly, contract for or purchase any warrant or order drawn upon the county treasury, or payable out of the same, at any discount whatever upon the sum due upon such warrant or order; and if any county treasurer shall so contract for or purchase any such warrant or order, he shall not be allowed in his annual settlement, the amount of said warrant or order, or any part thereof; and this shall be in addition to the penalties herein-after prescribed for the violation of this act. If the treasurer fail to pay, upon presentation, any legal warrant or order, having in his hands, at the time, funds out of which the same ought to be paid, or fail to set apart necessary funds when the same shall come into his hands, for the payment thereof, in their order, if listed under section eleven, and to pay over the amount due upon such warrant or order, as soon thereafter as the same may again be presented, the holder thereof may re-

Treasurer's failure to pay warrant or order; proceedings thereupon

cover the amount of any such warrant or order from the treasurer and his sureties, upon motion, in the county or circuit court of his county, after ten days' notice thereof, in writing, together with damages, after the rate of ten per centum per month, on the amount of such warrant, from the time such treasurer should have paid the same, and the costs of such motion, including an attorney's fee of five dollars.

18. He shall be allowed for his services in receiving and disbursing the county levy, three per centum on the amount of money so received and disbursed. Compensation

19. Any county treasurer violating any of the provisions of this act relating to the county levy shall, if said violation do not amount to a felony under existing laws relating to public officers, be deemed guilty of a misdemeanor, and upon conviction thereof shall be removed from office, and pay a fine of not less than twenty dollars nor more than one hundred dollars, and be imprisoned not exceeding three months; and in addition thereto, whether such violation be a felony or misdemeanor, shall be liable to the party aggrieved thereby for double damages for the injury sustained, which may be recovered against said treasurer and his sureties upon his official bond, by action in any court of competent jurisdiction. Penalties

Duty of county treasurer as to revenue.

20. The county treasurer shall, in the manner hereinafter provided, receive the state revenue and account for and pay over the same in the manner provided by law for the payment of money into the treasury of the state. Duty of county treasurer as to state revenue

21. Each county treasurer shall commence to receive the state taxes yearly, on the first day of February, or so soon thereafter as he may receive copies of the assessor's books; and for this purpose shall advertise, for at least ten days, at the courthouse, and at the voting place or places in each township, and in such other manner as may be necessary to give publicity thereto, upon what days he will be at some convenient point in each township to receive taxes, and shall, at the time specified, go to said places so designated in each township, and remain there not less than five days, for the purpose of receiving as well the state taxes as the county levy, and shall receive the same whenever tendered in the county up to the first day of September. But he shall have the same power, by distress or otherwise, for the collection of taxes against any tax-payer leaving his county or absconding before the said first day of September, as now given to sheriffs under existing laws. When to receive state taxes; proceedings
Power of distress

22. All taxes and county levies not paid to the treasurer by the first day of September, shall be by him placed in the hands of the collector for the township in which said taxes were assessed, with five per centum on the amount thereof added, and said treasurer shall take from each collector separate receipts for said taxes and said levies. Uncollected levies; when put in hands of collector for township

Proceedings
against collector

23. If said taxes and levies are not paid and the insolvent lists returned, certified by the judge of the county to the treasurer, by the first day of December, it shall be the duty of the treasurer to proceed against the collector, and his sureties upon his bond, by motion, if it be for taxes, in the name of the commonwealth of Virginia; and if it be for the county levy, in the name of the commonwealth of Virginia, for the benefit of the county, for the recovery of such taxes or levy so placed in his hands, which motion shall be heard by the county or circuit court of the county upon ten days' notice, in writing, and shall be prosecuted by the attorney for the commonwealth; but in any judgment rendered against such collector for taxes or levies, the five per centum added under the twenty-second section shall not be included.

Writs of fi. fa.
to issue, and
their force.

24. Writs of fieri facias shall be issued upon all judgments recovered under the preceding section, and shall have the same force and effect, and in all respects be governed by the provisions of chapter forty-two, Code of Virginia (edition eighteen hundred and sixty), relating to executions and proceedings thereupon against sheriffs.

County treas-
urer's state-
ment to auditor;
when

25. The county treasurer shall, on the first day of June and the first day of August and the first day of October of each year, make up a statement of all moneys collected by him on account of taxes, which statement shall be verified by affidavit; and he shall, within fifteen days thereafter, render to the auditor of public accounts said statement, and pay into the treasury the amount shown to be due by such statement; and if any treasurer fail to pay over the same within said time, he shall forfeit his commissions on so much of said balance as he may fail so to pay over.

Receive fines

26. The county treasurer shall receive from the sheriff of his county, all fines collected by him, and account for the same in his annual settlement.

Annual list of
fines

27. The annual list of fines required to be returned to the auditor of public accounts, by the clerk of every court, under the fifteenth, sixteenth, and seventeenth sections of chapter forty-three of the Code of Virginia (edition of eighteen hundred and sixty), shall be made on or before the fifteenth day of December, and shall include all fines mentioned in the said fifteenth section, imposed by his court prior to the first day of December, subject to the exceptions named in said last-mentioned section.

New bond, or
additional secu-
rities

28. The county court of any county shall require the county treasurer to give a new bond, or additional sureties, whenever, in the opinion of said court, it is necessary for the protection of the public interest; but before such order is made, at least ten days' notice shall be given to the treasurer. And if any county treasurer shall fail or refuse to give such new bond or additional security, within ten days after an order shall have been made requiring such new bond or additional security, his office shall be considered vacant, and a new treasurer shall be appointed according to the provisions of section six of this act.

29. If any county treasurer shall loan any money belonging to the State or county, with or without interest, or shall use the same for his own individual purposes, he shall forfeit and pay for every such offence a sum not less than one hundred nor more than five hundred dollars, to be recovered by action upon said treasurer's bond to the use of the commonwealth of Virginia, or of the particular county whose money was so used, as the case may be.

Penalty for loaning public money

30. The treasurer shall make his annual settlement with the auditor upon the fifteenth day of December of each year, and upon such settlement shall be credited with such taxes as he may, upon oath, declare has not been paid to him or accounted for, as insolvent by any collector of his county into whose hands the same were placed for collection, upon the certificate of the clerk of the court having jurisdiction of the case, that proceedings were duly instituted in said court against such collector and his sureties upon his bond, under section twenty-three of this act, as soon after the first of December as the length of notice required would permit, and that said proceedings have not been delayed by any default or negligence of said treasurer; but such sum shall remain charged against such treasurer and be paid over by him within thirty days after he shall have received the same, or might have received it; but the auditor may at any time strike from his books, against such treasurer, so much of said sum as the court which tried the case shall certify has been lost by reason of the insolvency of such collector and his sureties; but said treasurer shall, on the fifteenth day of December of each year, until the same be disposed of, whether he go out of office or not, file with the auditor of public accounts the certificate of the court which tried the case, that he could not have collected said sum during said year, and upon failure to file such certificate, shall be liable for the costs of proceedings against him to collect such money, but such treasurer shall not be forced to pay such money before he collect the same, or might have collected it. If the treasurer fails to recover against the collector, as is mentioned in the preceding sections, as much as he has received credit for in his annual settlement, he shall, as soon as the judgment in said case is pronounced, become immediately liable for the difference, with damages after the rate of five per centum per month from the time such money ought to have been accounted for.

Annual settlement with auditor

Liability of treasurer for failure to recover against collector

31. If the treasurer shall fail to make payment of the revenue, or any part thereof, as required by law, the auditor of public accounts shall proceed against him in like manner as is now provided for the collection of debts due the commonwealth, under the provisions of chapter forty-two of the Code of Virginia of eighteen hundred and sixty.

Proceedings against treasurer by auditor

32. The county treasurer shall be entitled to a copy of the general acts and resolutions of each session of the general assembly, which shall be furnished him by the secretary of the commonwealth. He shall receive for his services, in receiving and paying over the revenue, on amounts of five thousand dollars and less, five per centum; on the amount in excess of five

Entitled to acts of assembly

Compensation for collecting state revenue

thousand dollars, and under thirty thousand dollars, two per centum; on the amount in excess of thirty thousand dollars, and under fifty thousand dollars, one and one-half per centum; and on the amount in excess of fifty thousand dollars, one per centum.

Suit for breach
of condition of
his bond; where
brought

33. For every breach of the condition of the bond of the county treasurer, either in failing to account for and pay into the treasury all state taxes, or to pay, when due, over to his successor, all moneys of the county in his hands when he goes out of office, or in any other way, suit may be brought in the circuit or county court of the county, or in the circuit court of the city of Richmond, against such treasurer, and his sureties upon his official bond, for the use of the state or county, as the case may be, or the same may be recovered, by motion, in the said courts, after twenty days' notice, and upon any judgment rendered in such suit or motion, a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter forty-two of the Code of Virginia, and be proceeded with in the same manner.

The superintendent of the poor.

Superintendent
of poor

34. The superintendent of the poor for each county shall have charge of the county poor-house, where a county poor-house now exists, and where there is no county poor-house, he shall, when so directed by the board of supervisors for the county, provide suitable places for the keeping of the poor of his county, by renting or leasing tenement houses suitable for the purpose, with land attached thereto for a farm. He shall receive at such poor-house such paupers as may be sent to him by the overseers of the poor of the several townships of the county, and provide and care for said paupers in the manner provided for by law, and shall, when in his opinion it is unnecessary for any pauper to remain longer at the poor-house, discharge such pauper therefrom.

His bond

35. The superintendent of the poor of each county shall, at the time of his qualification, enter into bond, with security, to be approved by the court or judge before whom he qualifies, in a penalty to be determined by such court or judge, but not less in any case than five thousand dollars; which bond shall conform to the requirements of section eight, chapter thirteen, of the Code of Virginia of eighteen hundred and sixty.

His duties

36. He shall keep such money as the board of supervisors may authorize him to receive or have the care of, and dispose of the same as it may direct. He shall, in his own name, as such superintendent, recover money or property for the use of the poor of the county, and defend proceedings against himself as such superintendent, and shall be allowed the expense of such prosecution or defence, and account for all money recovered by him.

Annual report
to supervisors

37. He shall, at the annual meeting of the board of supervisors for his county, and oftener if required, make to them a report setting forth the number provided for in the preceding

year, showing how many were white and how many colored; for what length of time, and where each was provided for or assisted; the name of each; the amount received by the superintendent during the year, showing how much from the annual levy, and how much otherwise; the amount expended by him for the year, with the vouchers therefor, showing how much was expended at the place of general reception, and how much for those supported or assisted elsewhere; the balance remaining in his hands or under his control; what amount, in addition, he will require to pay arrearages for the past and meet expenditures for the ensuing year; what amount was expended in each township. He shall also state in said report whether any, and if any, which were kept at work at the place of general reception; for what length of time, and in what manner, whether in the work-house, or in tilling the land or otherwise; and may make such remarks upon the operation of the poor laws as he may deem pertinent.

38. The auditor of public accounts may prescribe the form of such report, and it shall be made in that form, if one be so prescribed; otherwise, in such form as the board of supervisors may prescribe; and if no form is prescribed by said board, then in such form as the superintendent may adopt, so that it embrace all the information required by the preceding section; and for a failure to make such report, the superintendent shall forfeit not less than one hundred dollars nor more than five hundred dollars, to be recovered to the use of the county, by motion against him and his sureties, after ten days' notice in writing. The clerk of the board of supervisors shall, within sixty days after said report is made, transmit a copy thereof to the auditor of public accounts; and if he fail to furnish said report within said time, he shall forfeit twenty dollars, and the auditor of public accounts shall immediately give notice of such failure to the proper attorney for the commonwealth, who shall at once proceed against the clerk or the superintendent, whichever may be in default.

Auditor may prescribe form of report

Penalty for superintendent's failure to make such report

Clerk of board of supervisors to transmit copy of report to auditor
Penalty

39. The duties of the auditor of public accounts as to said report shall be the same as were provided by law as to reports of the board of overseers of the poor for each county, in section twenty-one, chapter fifty-one of the Code of eighteen hundred and sixty.

Duties of auditor as to report

40. The superintendent of the poor shall receive for his services such compensation as the board of supervisors may deem reasonable; in no case, however, shall such compensation exceed the sum of four hundred dollars.

Superintendent's compensation

41. There shall be elected by the qualified voters of each county of this commonwealth, on the first Tuesday after the first Monday in November, eighteen hundred and seventy, and every three years thereafter, a county surveyor, who shall be the county surveyor for said county. He shall enter upon the discharge of the duties of his office on the first day of January next after his election, and shall hold his office until his successor is elected and qualified; and his duties, liabilities, and compensation shall in all other respects be the same as now provided for by existing laws, relating to the office of

County surveyor; when elected, term of office, &c.

Proviso

county surveyor: provided, that the judge of the county court is hereby authorized to appoint a surveyor for each county in which he holds his court, who shall hold his office until the first day of January, eighteen hundred and seventy-one, and until his successor is elected and qualified; and provided further, that said judge shall in like manner have power to fill a vacancy in the office of surveyor in each county in which he holds his court, whenever such vacancy shall occur, and the surveyor so appointed shall continue in office until his successor is elected and qualified.

42. All acts or parts of acts in conflict herewith are hereby repealed.

Commence-
ment

43. This act shall be in force from its passage.

CHAP. 180.—JOINT RESOLUTION Tendering the Thanks of the General Assembly to Conway Robinson, Esq., for Services as Counsel in the Cause of Paul vs. the State of Virginia.

Agreed to July 4, 1870.

Preamble

Whereas, when the cause of Paul vs. the state of Virginia was called for argument in the supreme court of the United States, there was no counsel in attendance on the said court to argue said cause in behalf of this commonwealth; and whereas, Conway Robinson, Esquire, did volunteer to argue said cause on the part of this state, and did argue the same with ability and success; and whereas, the said counsel did perform this valuable service without expectation of pecuniary reward, and solely from an intelligent regard for the welfare of his native state; and whereas, the principal involved in the said cause was of near concernment to the sovereignty of this commonwealth and to the just protection of its citizens: therefore,

Thanks to Con-
way Robinson,
Esq., for pro-
fessional
services

Resolved, That the thanks of the general assembly of Virginia be and the same are hereby tendered Conway Robinson, Esquire, for his valuable services as counsel in the said cause.

Resolved, That the governor is hereby respectfully requested to communicate a copy of this resolution to Conway Robinson, Esquire.

CHAP. 181.—JOINT RESOLUTION Extending the Time for Making Returns of the Elections held the 26th day of May, 1870.

Approved July 9, 1870.

Preamble

Whereas, at the election held the twenty-sixth day of May, eighteen hundred and seventy, the judges of election appointed for certain voting places, failed to make returns thereof at the time appointed by law: be it

Resolved by the general assembly of Virginia, That the judges of election aforesaid, shall be authorized to make returns of the same—in the manner prescribed in section thirty-nine of the act approved May eleventh, eighteen hundred and seventy, entitled an act to provide for a general election—within thirty days from the approval of this resolution, on such day as the commissioners designated by the county or corporation court to canvass the returns of their county or corporation may fix upon, and the said commissioners shall be authorized, on the day thus appointed, to meet at the clerk's office of the county or corporation court, and canvass the returns thus made, in the manner prescribed in section forty of the act aforesaid; and such return and canvass shall be deemed as legal and valid as if originally done in conformity with the provisions of the said act.

Election returns may be made within thirty days from approval of this resolution

Such return and canvass made legal

CHAP. 182.—An ACT extending the Time for Repair or Rebuilding of Mills destroyed during the Late War.

Approved July 7, 1870.

1. Be it enacted by the general assembly of Virginia, That the owner or tenant of any mill, mill dam, toll bridge, manufacturing machine or engine, which may have been destroyed by fire or otherwise, or have become unfit for use, during the late civil war, shall have two years, from the passage of this act, in which to begin, and four years in which to finish the rebuilding or repair of the same, without being subjected to the forfeitures provided by law.

Time extended for repair, &c., of mills, toll bridges, &c., destroyed during late war

2. This act shall be in force from its passage.

Commencement

CHAP. 183.—An ACT making an Appropriation for the Removal of the Remains of Virginia Soldiers from Gettysburg to Hollywood Cemetery.

Approved July 7, 1870.

1. Be it enacted by the general assembly, That the sum of one thousand dollars be appropriated for the removal and reinterment in Hollywood Cemetery, at Richmond, of the remains of the Virginia soldiers who fell in the late war, and are now buried at Gettysburg. The said sum of money shall be expended under the direction of the governor of this commonwealth, and shall be paid, on his order, out of any money in the treasury not otherwise appropriated.

Appropriation for removal of remains of Virginia soldiers from Gettysburg to Hollywood

2. This act shall be in force from its passage.

Commencement

CHAP. 184.—An ACT making an Appropriation for the Removal of the Remains of Virginia Soldiers from Arlington to Hollywood Cemetery.

Approved July 7, 1870.

Appropriation
for removal of
remains of Vir-
ginia soldiers
from Arlington
to Hollywood

1. Be it enacted by the general assembly, That the sum of five hundred dollars be appropriated for the removal and reinterment in Hollywood Cemetery, at Richmond, of the Virginia soldiers now buried at Arlington. The said sum of money shall be expended under the direction of the governor of this commonwealth, and shall be paid, on his order, out of any money in the treasury not otherwise appropriated.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 185.—An ACT fixing the Salary of the Secretary of the Commonwealth.

Approved July 7, 1870.

Salary of secre-
tary of common-
wealth

1. Be it enacted by the general assembly, That the secretary of the commonwealth shall receive, annually, for his services, the sum of twenty-five hundred dollars, to commence from the fifteenth day of February, eighteen hundred and seventy.

Repeal of in-
consistent acts

2. All acts, or parts of acts, inconsistent with this act, are hereby repealed.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 186.—An ACT in relation to the Fairfax and Georgetown Turnpike Company.

Approved July 8, 1870.

Act to incorpo-
rate Fairfax and
Georgetown
turnpike com-
pany amended

1. Be it enacted by the general assembly of Virginia, That section first of the act passed February twenty-eighth, eighteen hundred and sixty-seven, entitled an act to incorporate the Fairfax and Georgetown turnpike company, be amended and re-enacted so as to read as follows:

§ 1

“§ 1. That it shall be lawful to open books for receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike road from Fairfax Courthouse to some point on the Potomac river, near Georgetown, in the District of Columbia. The said company may construct their road, or any part thereof, with stone, gravel, sand, or plank, as to them shall seem expedient, and regulate the width of the bed of the road as said company may deem necessary to accommodate the travel thereon: provided, it shall not be less than sixteen nor more than sixty feet in width, and that the said company shall not be required to make any summer or side road.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 187.—An ACT for the Payment of the Funeral Expenses of J. W. D. Bland, late Senator from the Fourteenth District.

Approved July 8, 1870.

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and required to issue his warrant upon the treasury, in favor of Thomas P. Jackson, for the sum of fifty-two dollars, payable out of any money in the treasury not otherwise appropriated, for the payment of the funeral expenses of James W. D. Bland, late senator from the fourteenth district.

Providing for funeral expenses of the late Senator Bland

2. This act shall be in force from its passage.

Commencement

CHAP. 188.—An ACT Prescribing the Duties and Compensation of certain Township Officers.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That all township officers elected on the fourth Thursday in May, after the year eighteen hundred and seventy, shall, on or before the first day of July next after their election, qualify by taking the oaths of office before the judge for the circuit or county court of his county, either in term time or in vacation; and each township officer of whom a bond is required, shall, at the time of his qualification, enter into and acknowledge before the court or judge before whom he qualifies, such bond, with sureties, to be approved by such court or judge; which bond shall conform to the requirements and be subject to the provisions of section eight, chapter thirteen, of the Code of Virginia (eighteen hundred and sixty), and after being acknowledged before said court or judge, shall be entered of record in the county court of the county in which such officer resides, and if said qualification and acknowledgment be in vacation, the fact thereof shall be certified, and the bond returned by said judge to the clerk of the county court, to be by him recorded as aforesaid, and the order of qualification and acknowledgment shall be entered as a vacation order; and for any failure on the part of the clerk to perform the duties required of him by this section, he shall forfeit not less than fifty nor more than one hundred dollars.

Township officers; how they shall qualify

Their bonds

Board of supervisors.

2. The supervisors of the several townships in each county shall constitute the board of supervisors for said county, and by the name of The Board of Supervisors of the county of [here insert the name of the county], may sue or be sued in relation to all matters connected with their duties as such board of supervisors.

Board of supervisors

When they shall assemble at courthouse

3. The board of supervisors of the several counties shall assemble at their respective courthouses on the first Monday in December in each year, and proceed to discharge the duties hereinafter prescribed.

Special meetings

4. They may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary; and at any meeting a majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business.

Their powers

5. The board of supervisors of each county in this state, shall have power, at the meeting on the first Monday in December in each year—

To audit accounts of county, &c.

First—To audit the accounts of the county; to settle with the county treasurer his accounts for the year, in the manner prescribed by law; to settle with the sheriff his accounts upon the collection of fines or other moneys accruing and belonging to the county; to receive, audit, and approve the report and accounts of the superintendent of the poor; and generally, to settle with any other officer who may have an account with the county, and to take such steps as may be necessary to secure a full and satisfactory exhibit and settlement of the affairs of the county.

Examine assessors' books

Second—To examine the books of the assessors, and regulate and equalize the valuation of property.

Fix county levy

Third—To fix the county levies for the ensuing year, upon the information afforded by the above settlements, and to apportion the same among the various townships of the county.

Further powers

6. The said board of supervisors of each county of the state shall have power at said meeting in December, or at any other legal meeting—

Orders concerning county property

First—To make such orders concerning the corporate property of the county as they may deem expedient.

Examine, &c., accounts against county

Second—To examine, settle, and allow all accounts chargeable against such county, and when so settled, they may issue county warrants therefor, as provided by law. But the board of supervisors of any county shall not issue in any one year a greater amount of county warrants than the amount of the county tax levied in such county for such year; and no interest shall ever be paid by any county on any county order.

County buildings Insurance thereof

Third—To build and keep in repair county buildings.

Fourth—To cause the county buildings to be insured in the name of the board of supervisors of said county and their successors in office, for the benefit of the county, if they shall deem expedient; and in case there are no public buildings, to provide suitable rooms for county purposes.

Raising money

Fifth—To direct the raising of such sums of money as may be necessary to defray the county charges and expenses, and all necessary charges incident to or arising from the execution of their lawful authority, if the same has not been provided for at the December meeting, and is necessary under the circumstances.

General supervision of county

Sixth—To represent the county, and to have the care of the county property, and the management of the business and con-

cerns of the county, in all cases where no other provision shall be made.

Seventh—To perform all other acts and duties, which may be authorized and required by law, not embraced in this act. All other duties

7. Every county board of supervisors may have a seal, and may alter the same at pleasure; they shall sit with open doors, and all persons conducting themselves in an orderly manner may attend their meetings; and all questions before them, unless otherwise provided, shall be determined by the votes of a majority of the supervisors present. Seal; mode of holding meetings

8. They shall, at their first meeting after their election, choose one of their number as chairman, who shall preside at such meeting, and at all other meetings during the year, if present; but in case of his absence from any meeting, the members present shall choose one of their number as temporary chairman. Chairman

9. Every chairman shall have power to administer an oath to any person, concerning any matter submitted to the board, or connected with their powers or duties; and he shall countersign all county warrants. May administer oath

10. No account shall be allowed by the county board of supervisors unless the same shall be made out in separate items, and the nature of each item specifically stated; and where no specific fees are allowed by law, the time actually and necessarily devoted to the performance of any service charged in such account, shall be verified by affidavit, to be filed therewith. The attorney for the commonwealth shall represent the county before said board; and it shall be his duty to resist the allowance of any claim which is unjust, or not before the board in proper form and upon proper proof, or which for any other reason ought not be allowed. What accounts to be allowed

11. Nothing in the preceding section shall be construed to prevent any such board from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof, as they may think proper. When accounts disallowed

12. When any claim of any person against a county shall be disallowed, in whole or in part, by the board of supervisors, such person may appeal from the decision of such board to the county court for the same county, by causing a written notice of such appeal to be served on the clerk of such board within thirty days after the making of such decision, and executing a bond to such county, with sufficient surety, to be approved by the clerk of said board, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court, except that in a case where the decision complained of is upon an order made by the county court or the judge thereof, or in a case involving the constitutionality or validity of an ordinance or by-law of a corporation, the appeal may be taken to the circuit court having jurisdiction over said county or corporation. Appeal from board to county court

13. The clerk of the board, upon such appeal being taken, shall immediately give notice thereof to the attorney for the commonwealth, and shall make out a brief return of the pro- Costs Duty of clerk of board upon appeal

ceedings in the case before the board, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of such court; and such appeal shall be entered, tried, and determined the same as appeals from justices' courts, and costs shall be awarded thereupon in like manner: provided, that if the claim be not of greater value than twenty dollars (exclusive of interest), then the decision of the county court shall be final.

When action
may be main-
tained

14. No action shall hereafter be maintained by any person against a county, upon any claim or demand other than a county order, until such person shall first have presented his claim to the board of supervisors of such county for allowance.

When determi-
nation of board
to be final

15. The determination of the board of supervisors of any county, disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless an appeal shall be taken from the decision and determination of such board of supervisors, or unless such board of supervisors shall consent and agree to the institution and maintenance of an action by such claimant against such county: provided, however, that when the board of supervisors shall refuse or neglect to act upon any claim duly presented to them, this act shall not be so construed as to prevent the institution and maintenance of an action by such claimant: provided further, that if any judgment shall be recovered in any such action against any county, or against the board of supervisors, or against any other county officer in an action prosecuted by or against them or him, in their or his name of office, when the same should be paid by the county, no execution shall be issued upon such judgment, except as herein provided; but the same, unless reversed, shall be provided for by the board of supervisors in the next county levy; and the same shall be collected as other county charges; and when so collected, shall be paid by the county treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made before the first day of December next succeeding such levy, execution may be issued thereon by the court in which said judgment was rendered, or by the judge thereof in vacation.

Proviso

Proviso

Records of
board; how
kept

16. The books, records, and accounts of the board of supervisors shall be deposited with their clerk, and shall be open, without any charge, to the examination of all persons.

Board to pro-
vide books,
stationery, &c.,
for county pur-
poses

17. The board of supervisors in every county shall, at the expense of the county, provide suitable books and stationery for the use of the clerk of their board, the clerk of the county, of the county court, county treasurer, and the clerk of the circuit court, together with appropriate cases and other furniture for the safe and convenient keeping of all the books, documents, and papers belonging to each of said offices; and also official seals for each of said officers, where the same are required by law.

Annual exhibit
of receipts and
expenditures to
be published

18. The board of supervisors for each county shall cause to be made out and published yearly, immediately after their annual meeting, in at least one newspaper published in the county,

if such there be, a report making a full exhibit of the receipts and expenditures of the year next preceding, and the accounts allowed; and if no newspaper be published in the county, then a copy of such report shall be posted at the courthouse door and at two other public places in the county, or in some newspaper printed in some other county or city, as the board of supervisors may direct.

19. A special meeting of the county board of supervisors of any county shall be holden only when requested by two of the members thereof, which request shall be in writing, addressed to the clerk of the board, and specifying the time and place of meeting; and upon the reception of such request, the clerk shall immediately give notice of such meeting to each of the members of the board. Special meetings; when held

20. Each member of the board of supervisors shall be allowed and paid by the county out of the county levy, a compensation for his services and expenses in attending the meetings of the board, at the rate of two dollars per diem for the time he shall actually attend, and five cents for each mile traveled in going to or returning from the place of meeting, for any distance traveled beyond ten miles from such place; but no per diem allowance shall be made for any time occupied in traveling, where mileage is allowed therefor: provided, that but one mileage shall be allowed for any one term of meeting of such board, and no supervisor shall be allowed to draw pay for more than ten days' attendance on the county board in any one year. Pay of board

21. Each supervisor shall, at the time of his qualification, enter into bond in the penalty of not less than one thousand dollars, and for any violation of the condition of said bond, he and his sureties shall be liable thereon for damages to any party injured thereby: provided, that in no case shall the penalty of the bond of a supervisor be more than twenty-five hundred dollars. If any supervisor shall refuse or neglect to perform any of the duties which are or shall be required of him by law as a member of the board of supervisors, or in other capacity, without just cause therefor, he shall for each offence forfeit a sum of not less than twenty nor more than one hundred dollars: provided, that the supervisors elected in May, eighteen hundred and seventy, shall be permitted to qualify, upon entering into bond, with good security, as herein required, in a penalty of not less than five hundred dollars. Bond of supervisor Penalty for neglect of duty Proviso

Of the clerk of the board of supervisors.

22. The clerk of the county court shall be ex officio clerk of the board of supervisors. He may appoint a deputy, if necessary, and such deputy, in case of the absence or disability of such clerk, or in case of a vacancy in his office, shall perform all the duties of such clerk during such absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be responsible under his official bond for the acts of his deputy. Clerk of supervisors

- His general duty** 23. It shall be the general duty of such clerk—
 First—To record in a book to be provided for that purpose all the proceedings of the board.
 Second—To make regular entries of all their resolutions and decisions on all questions concerning the raising of money.
 Third—To record the vote of each supervisor on any question submitted to the board, if required by any member present.
 Fourth—To sign all warrants issued by the board for the payment of money, and to record in a book provided for the purpose, the reports of the county treasurer of the receipts and disbursements of the county.
 Fifth—To preserve and file all accounts acted upon by the board, with their action thereon; and he shall perform such special duties as are required of him by law.
- Amount allowed on any account to be designated by clerk thereon Shall deliver copies of records to any one demanding** 24. It shall be the duty of such clerk to designate upon every account on which any sum shall be audited and allowed by the board, the amount so audited and allowed, and the charges for which the same was allowed; and he shall also deliver to any person who may demand it, a certified copy of any record in his office, or of any account therein, on receiving from such person the fees allowed to the clerk of the county court for similar services.
- When clerk to sign and issue warrants, &c.** 25. Such clerk shall not sign or issue any county warrant except upon a recorded vote or resolution of the board of supervisors authorizing the same, and such warrant shall be signed by the clerk and countersigned by the acting chairman of the board, and the name of the person to whom it is issued shall be entered in a book to be kept by him in his office for that purpose.
- His compensation** 26. Such clerk shall receive a reasonable compensation for such services as he may perform as clerk of the board, where no specific fees are allowed therefor, to be fixed by the board and paid by the county: provided, the same shall be assimilated, as far as practicable, to the fees and compensation allowed by law to the clerk of the county court for like services; but provided further, that the compensation so allowed shall not exceed, in any one year, the sum of twenty-five dollars.
- Proviso**

Of the township board.

- Township board** 27. The supervisor, commissioner of roads, and assessor of each township, shall constitute a township board, whose duties shall be—
- Their duties** First—To have and take such authority and charge over the roads of the township as are imposed upon them by law.
 Second—To audit the accounts of the township; to supervise and examine the settlement provided for by this act between the collector and township clerk acting as treasurer of such township; to receive, audit, and approve the accounts of the overseers of the poor; and generally, to settle with any other officer or agent of the township who may be authorized by law to receive and disburse any money of the township by

virtue of their office; and to take such steps as may be necessary to secure a full and satisfactory exhibit and settlement of the affairs of the township.

Third—To examine, settle, and allow all accounts chargeable against said township, and when so settled, they shall issue, in the manner provided by law, township warrants therefor; but the said board shall not issue in any one year a greater amount of such warrants than the amount of the township tax levied for that purpose in such year; and no interest shall ever be paid by any township on any such order.

Fourth—To submit to a vote of the township any proposition for the purchase of property, or for the erection of buildings for the use of the township, or for any other proposition involving the expenditure of a sum of money exceeding three hundred dollars.

Fifth—To make such order for the repair of township buildings, or concerning the corporate property of the township, as they may deem expedient.

Sixth—To cause the township property to be insured in the name of the township, if they shall deem it expedient; and in case there are no township buildings, to provide suitable rooms, if necessary, for township purposes.

Seventh—To direct the raising of such sums of money as may be necessary to defray the township charges and expenses, and all necessary charges incident to or arising from the execution of their lawful authority, by making a township levy on all the taxable persons and real and personal property in their townships.

Eighth—To represent the township, and have the care of the township property, and the management of the business and concerns of the township in all cases where no other provision shall be made.

Ninth—To perform all other acts and duties, which may be authorized and required by law, not embraced in this act.

28. The supervisor shall be chairman of the township board, and if from any cause the officers constituting said board shall not be present, the chairman, or, in his absence, either of the other members of the board may notify any one or so many of the justices of the township as shall, together with the members of the board who are present, make a board of three; and the board, so constituted, may designate one of their number as chairman, and shall have authority to act as the township board.

29. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board or connected with their powers or duties; and he shall countersign all township warrants.

30. All accounts against the township shall be presented to and audited by the township board in the same manner, and upon the same conditions, as is prescribed by law in regard to the auditing of accounts against the county by the board of supervisors of the county; and the action of the township board shall be of the same virtue and effect in relation to such accounts, except by way of appeal, as hereinafter provided, as

Chairman of township board

May administer oaths, and shall countersign warrants

Accounts against township; how presented and audited

the action of the board of supervisors is in relation to accounts against the county.

Appeals; how taken

31. Appeals may be taken from the action of the township board, in any case where the amount involved, exclusive of interest, is above ten dollars, upon the same terms and in the manner prescribed by law in regard to appeals from the action of the board of supervisors, except that notice of such appeal shall be served on the township clerk.

Duty of township clerk upon appeal

32. The township clerk, upon such appeal being taken, shall immediately give notice thereof to the attorney for the commonwealth, and shall make out a brief return of the proceedings in the case before the board, with their decisions thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the court to which the appeal may be taken; and such appeal shall be entered, tried, and determined in the same manner, and upon the same terms and conditions, as appeals from the action of the board of supervisors of the county.

Appeal; how entered and determined

Action on claim against township not to be maintained till first presented to board
Proviso

33. No action shall hereafter be maintained by any person against a township, upon any claim or demand other than a township order, until such person shall have first presented his claim to the township board for allowance: provided, however, that when the township board shall refuse or neglect to act upon any claim duly presented to them, this act shall not be so construed as to prevent the institution and maintenance of an action by such claimant; and provided further, that such township board may consent and agree to the institution and maintenance of any action by any such claimant.

How judgment on such claim satisfied

34. If any judgment shall be recovered in any such action against any township, or against the township board, or against any other township officer or officers, in an action prosecuted by or against them or him, in their or his name of office, when the same should be paid by the township, no execution shall be issued upon such judgment, except as herein provided; but the same, unless reversed, shall be provided for by the township board in the next township levy, and the same shall be collected as other county charges; and when so collected, shall be paid by the township collector or treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made before the first of June next succeeding such levy, execution may be issued thereon by the court in which said judgment was rendered, or by the judge thereof in vacation.

Records, &c., of township board; how kept

35. The books, records, and accounts of the township board shall be deposited with the township clerk, and shall be open, without any charge, to the examination of all persons.

Books and stationery for township; how furnished

36. The township board shall furnish suitable books and stationery for the use of the clerk and other officers of the township, with such appropriate cases and other furniture as may be necessary for the safekeeping of such books and other papers belonging to each of said officers.

Yearly report of township board

37. The township boards of the several townships shall cause to be made out yearly, immediately after the annual meeting in June, and posted at the places of voting of each

township, a report making a full exhibit of the receipts and expenditures of the year next preceding, and the accounts allowed.

38. Meetings of the township board shall be holden on the last Saturday in July in each year, or as soon thereafter as practicable, at which meetings the said board shall make the township levy for the ensuing year, based upon the expenditures of the preceding year. Meetings of said board shall also be held on the first Saturday in June of each year, at which time said board shall settle with the township treasurer his accounts for the year, supervise his settlement with other officers, and generally discharge any other of the duties imposed upon them by law which requires attention. They shall also audit all accounts, of whatever description, against or with the township, or with any township officer or other person, so as to secure a full and complete exhibit and settlement of the affairs of the township. Special meetings may be holden when requested by two of the members of the township board, or of five of the voters of the township; which request shall be in writing, addressed to the township clerk, and specifying the time and place of meeting; and upon the reception of such request, the clerk shall immediately give notice of such meeting to each of the members of the board.

Meetings of board: their duties thereat

Special meetings

39. Each member of the township board shall be allowed and paid by the township, out of the township levy, a compensation for his services and expenses in attending the meetings of said board, at the rate of two dollars per diem for the time he shall actually attend, and no member of the township board shall be allowed to draw pay for more than five days' attendance on said board in any one year.

Pay of township board

40. If any member of the township board shall refuse or neglect to perform any of the duties which are or shall be required of him by law, as a member of the board, or in any other capacity; without just cause therefor, he shall, for each offence, forfeit a sum of not less than twenty-five dollars nor more than one hundred dollars.

Penalty for neglect of duty

Of the township clerk.

41. The township clerk shall be ex-officio clerk of the township board. He may appoint a deputy, if necessary; and such deputy, in case of the absence or disability of such clerk, or in case of a vacancy in his office, shall perform all the duties of such clerk during such absence, or until such vacancy shall be filled; and every such clerk and his sureties shall be responsible, under his official bond, for the acts of his deputy.

Township clerk

42. It shall be the general duty of such clerk—

His general duties

First—To have custody of the records, books, and papers of the township when not otherwise provided by law; to file and safely keep all papers required by law to be filed in his office; and to record such as are required by law to be recorded therein.

Second—To record in a book to be provided for that purpose, all the proceedings of the board.

Third—To make regular entries of all the resolutions and decisions on all questions concerning the raising of money.

Fourth—To record the vote of each member of the township board on any question submitted to the board, if required by any member of the board.

Fifth—To sign all warrants issued by the board for the payment of money, and to record in a book provided for that purpose, at least so much of the various settlements made by the township board as to exhibit in full the receipts and disbursements of the township.

Sixth—To preserve and file all accounts acted upon by the board, with the action thereon; and to perform such special duties as are required of him by law.

Shall designate
on every account
allowed the
amount, &c.

43. It shall be the duty of such clerk to designate upon every account on which any sum shall be audited and allowed by the township board, the amount audited and allowed, and the charges for which the same was allowed; and he shall also deliver to any person who may demand it, a certified copy of any record in his office, or of any account therein, on receiving from such person the fees allowed to the clerk of the county court for similar services.

When to sign or
issue warrant

44. Such clerk shall not sign or issue any township warrant except upon a recorded vote or resolution of the township board authorizing the same, and the said order shall be countersigned by the chairman, or acting chairman of the board; and the name of the person to whom it is issued shall be entered in a book to be kept by the clerk in his office for that purpose.

Pay

45. The township clerk shall receive for each day on which he shall be in actual attendance upon the township board and for each day necessarily occupied in the discharge of the duties imposed by section forty-nine of this act, a per diem allowance of two dollars, to be audited by the township board and paid by the township; and for all other services as clerk, shall receive fees to be fixed by the township board, but to be assimilated, as far as possible, to the fees now charged by the clerks of county courts for similar services, to be paid by the township, or the person at whose instance or for whose benefit the services were rendered. For his services as treasurer, he shall receive a commission of two per centum upon the whole amount passing through his hands as such treasurer: provided, that the said compensation in any one year shall not exceed sixty dollars.

Fees

Commissions

Copies of pa-
pers, &c., certi-
fied, to be
evidence

46. Copies of all papers duly filed in the office of the township clerk, and transcripts from the township book of records, certified by the clerk, shall be evidence in all courts, in like manner as if the originals were produced.

Township clerk
to execute con-
veyances of land
belonging to
township

47. The township clerk shall execute, in his name of office and under his hand and seal, all conveyances of land belonging to the township, whenever the same shall be sold in pursuance of an order of the township board, approved by a majority of the qualified voters of the township.

48. The township clerk shall be ex-officio treasurer of the township, and as such shall make settlement with the township collector on the thirty-first of December of each year, of all levies, fines, and other moneys in his hands due the township, and disburse the same upon the order or warrant of the township board, and shall annually present to the township board at its June meeting a fair statement of the settlement made by him with the collector on the preceding thirty-first day of December, and shall make settlement at the same time with said board of his own account as treasurer.

Ex-officio treasurer

Annual statement

49. The township clerk acting as such treasurer, shall immediately after the July meeting of the township board, from the land and property book in his possession, make off tickets for the township levy, and shall, annually, on or before the first day of September, place the same in the hands of the township collector, and take his receipt therefor, which receipt he shall turn over for suit to the attorney for the commonwealth for the county within ten days after the succeeding thirty-first day of December, if said collector fail to account for and pay over to said clerk, as treasurer, the amount due thereon by the said thirty-first of December, as hereinafter provided.

Tickets for township levy

50. Each township clerk shall give bond in a penalty of not less than one thousand nor more than twenty-five hundred dollars, and for any violation of the condition of said bond, he and his sureties shall be liable thereon for damages to any party injured thereby.

Bond of township clerk

Overseers of the poor.

51. The powers and duties of overseers of the poor shall be such as were prescribed by the laws in force when the constitution was adopted, so far as the same were consistent with this act, and such as now are or hereafter may be prescribed by law, and for misconduct or neglect of duty they shall be liable to the penalties now prescribed by law. The fees and allowances for overseers of the poor shall also be the same as are now prescribed.

Overseers of poor

52. Any application by or in behalf of one who is unable to maintain himself, or by or in behalf of a family of a person when he is unable to maintain it, and the family is unable to maintain itself, such person or family shall be provided for or assisted, if he or they have a legal settlement in a township that has overseers, by one of the said overseers; and if he or they have a legal settlement, not within such township, by the order of the overseer of the township wherein such settlement may be. But a person shall not be deemed to have a legal settlement in said township until he shall have resided therein for one year, nor in such county or township until he shall have resided therein and without such township for one year, and shall not be deemed to have a settlement in either if he has migrated into this state within three years, unless, at the time of so migrating, he was unable to maintain himself.

Application of pauper

Person not having legal settlement

When applica-
tion refused;
how

53. When, on application of such person or family, an overseer refuses either provision or assistance, the court of the county or corporation may direct the same.

Complaint of
overseer before
justice

54. On the complaint of any overseer for any town or township, before a justice thereof, that any person is come into such town or township who is likely to become chargeable thereto, such justice may, by warrant, cause such person to be removed to the town or township wherein he was last legally settled, unless he be so sick or disabled that he cannot be removed without danger of life, in which case he shall be provided for at the charge, in the first instance, of the town or township wherein he is, and after his recovery, shall be removed.

Where poor per-
son is removed
to county of his
legal settlement

55. The overseers of the town or township wherein such person was last legally settled, shall, upon his being removed thereto, provide for him, and repay all the charges incurred for his maintenance, care, and removal; and if he die before removal, they shall repay the charges for his burial, and those incurred during his sickness. In case of their failure to comply with this section, complaint may be made before the county or corporation court in which there is such failure, and a summons may be awarded against them, upon the return of which, "executed," the county or corporation court may order repayment of the charges aforesaid, and compel obedience to any such order by attachment or otherwise.

Prison house,
&c.

56. The council of a town may provide a prison house, work house, and other buildings and improvements, employ managers, physicians, nurses, and servants, and prescribe regulations for the government of the several overseers, and discipline for the said houses and the persons therein.

Beggars and
vagrants

57. Every overseer shall prevent any person from going about begging, or staying in any street or other place to beg; and for failure so to do, after he has been notified thereof, shall pay a fine of ten dollars, to be recovered before a justice of the peace of the township, upon motion, after ten days' notice to such overseer, one-half whereof shall go to the informer and the other half to the township. Every such person shall immediately be taken up and conveyed to the place of general reception for the poor of the town or township in which he may be found, or if he has a legal settlement in any other town or township in this state, he may be proceeded against according to the provision hereinbefore prescribed; or when he has migrated from another state, and has no legal settlement in this, the overseer may cause him to be removed to such other state. To carry into effect this section, an overseer may issue a warrant to a constable, who shall forthwith convey, or cause to be conveyed, such person to such state wherein he last had his legal settlement.

Poor house

58. Every person to be provided for by the overseers of the poor shall be sent to and kept at the place of general reception of the poor, to be supported; and all persons kept at the place of general reception who are able to work, shall be made to do so: provided, that it may be lawful for the overseers of the poor for any township, by and with the consent of the supervisor of the same and the superintendent of the poor of the

Proviso

county, to provide assistance to such person, or the family of such person, as may be unable to support himself or family, at his place of residence; but provided also, that all such assistance so rendered shall be a charge upon such township, to be levied and collected as other township taxes are by law required to be levied and collected. In case of assistance so rendered to any such person or his family, the overseer of the poor for the township shall, on or before the first day of November of each year, make a report to the superintendent of the poor for the county, setting forth the names of those provided for or assisted, where they reside, and what amount was furnished each.

59. In every county the amount which, according to the report of the superintendent of the poor, will be required for the support of the poor at the place of general reception in the county, shall be chargeable on such county; and the board of supervisors, in making the annual levy, shall provide for raising the said amount, which shall be payable out of the proceeds of said levy to the superintendent of the poor, by the treasurer, upon an order drawn upon him by the board of supervisors, to be by said superintendent expended in support of the poor of the county, and accounted for in his annual settlement, and report to the board of supervisors. In every town that has an overseer, the expense of supporting the poor shall be provided for by the town council. Poor rates

60. In this act, the word "overseer" or "overseers" shall be construed as if followed by the words "of the poor." Word "overseer" construed

61. The duties of the overseers of the poor in relation to bastards or other destitute children, shall be the same within their respective townships, as now prescribed under chapters one hundred and twenty-five and one hundred and twenty-six of the Code of eighteen hundred and sixty. His duties

62. Overseers of the poor shall give bond in a penalty of not less than five hundred nor more than one thousand dollars, to be determined by the court or judge before whom he qualifies: provided, that the penalty of said bond shall in no case be less than double the amount which will probably pass through his hands as such overseer. Bond of overseer of the poor

Justices of the peace.

63. The jurisdiction, powers, duties, liabilities, and compensation of justices of the peace and constables shall be the same as prescribed by the laws in force when the constitution was adopted, so far as they are not in conflict with the said constitution or any law passed in pursuance thereof, and such as may be hereafter prescribed by law; except that justices of the peace shall be entitled to a fee of fifty cents for the trial by warrant in which the commonwealth is not the plaintiff; and in case of recovery, to be taxed in the costs and recovered as other costs are; and except that constables shall qualify and execute bond in a penalty of no less than two thousand Justices of peace; their jurisdiction and fees
Constable's bond

dollars in the same manner as prescribed in this act for other township officers.

Assessors.

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| <p>Assessor's bond</p> <p>Duty of clerk with regard to such bond</p> <p>Penalty</p> <p>Assessor's fees, &c.</p> | <p>64. Each township assessor shall, at the time of his qualification, enter into bond in the penalty of two thousand dollars. Within ten days after such bond is given, the clerk of the court wherein said bond is filed and recorded shall transmit a copy thereof, together with a copy of the order of court, showing the qualification of such assessor and acknowledgment of said bond, to the auditor of public accounts. If any clerk shall fail to perform this duty, a fine shall be imposed on him of not less than fifty dollars nor more than one hundred dollars.</p> <p>65. The assessor shall receive the same fees of office allowed by existing laws to commissioners of the revenue for the same services, and shall be entitled to receive in consideration of his services, to be paid on or before the first day of September, out of the treasury, upon the warrant of the auditor of public accounts, a commission of two and a half per centum on the amount of taxes lawfully assessed by him on persons, on real and personal property, incomes, and salaries, within the preceding twelve months. The auditor of public accounts shall also pay to the several assessors all postage advanced by them in the transmission of their books, or any correspondence touching the duties of their office, and a fee of ten cents for each birth and death registered and returned by them.</p> |
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His duties and compensation.

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| <p>Duties, &c., of assessor</p> | <p>66. The duties, powers, and liabilities of assessors shall be the same as are prescribed for commissioners of the revenue under existing laws, except that the jurisdiction, powers, and duties of an assessor shall not extend beyond the bounds of his township, except to grant license, to exercise a privilege which is not local, and which may be exercised in or out of such township, according to existing laws; and except that he shall not be required to list voters under the fourth section of chapter six of the Code of Virginia (edition of eighteen hundred and sixty); and said assessors shall in all respects be subject to the laws now relating to commissioners of the revenue, so far as the same are applicable and are not inconsistent with this act.</p> |
| <p>Auditor to furnish assessor with forms, &c.</p> | <p>67. It shall be the duty of the auditor of public accounts to prepare and forward to the assessors of each township the requisite number of printed forms of the land and property books, and he shall also, by letter or printed circular, give such instructions to said assessors in respect to their duties, as to him shall seem judicious. If any assessor shall refuse to obey the auditor's instructions, he shall forfeit a sum not less than thirty dollars nor more than fifty dollars. The expense of such books and circulars and postage, of all communications to</p> |
| <p>Penalty for refusing to obey auditor's instructions
Postage, &c.</p> | |

and from an assessor on the business of his office, shall be defrayed out of the treasury.

Assistant assessor.

68. An assessor, unable from sickness or other cause to perform the duties of his office, may, at his own expense, employ a person approved by the court to assist him; and such assistant, after qualifying in the manner now provided by law for the qualification of deputy sheriffs, may discharge any of the duties of assessor, and the principal and his sureties shall be liable for the faithful performance of such duties.

Assistant
assessor

Books and papers of his predecessor.

69. The assessor may apply for the official books and papers which his predecessor had, to the person in possession thereof, who shall deliver the same on such application; and for failure so to do upon such application, shall forfeit one hundred dollars.

Books and
papers of pre-
decessor
Penalty

70. The auditor, upon satisfactory information that such books and papers cannot be obtained, may authorize the assessor to procure substitutes therefor, and any clerk furnishing such substitutes may be paid the same fees therefor out of the treasury as he might by law charge an individual for similar services.

When sub-
stitutes for books,
&c., may be pro-
cured

Copies of land and property books.

71. In addition to the copies of the land and property book heretofore required to be made by the commissioner, there shall be made by the assessor a copy which he shall deliver to the township clerk, and shall be paid by the township a fair compensation therefor. The copies of the land and property book heretofore required to be furnished to the sheriff shall hereafter be furnished to the county treasurer.

Copies of land
and property
books

72. It shall be the duty of the assessor to furnish to the clerk of the court for the county, for his examination, as required by law, the copies of said books by the first day of April, and to furnish to the treasurer and auditor of public accounts their copies by the fifteenth day of April; and for a failure so to deliver said copies to the clerk in the time prescribed, he shall pay a fine of not less than fifty nor more than one hundred dollars; and for a failure to deliver said copies to the treasurer and auditor of public accounts by the said fifteenth day of April, he shall pay a fine of not less than one hundred nor more than five hundred dollars, and the auditor of public accounts shall not pay to him his compensation.

To be furnished
to county clerk
for examination

Copies to
auditor and
treasurer
Penalty

*Additional lists.**Additional lists*

73. It shall be lawful for the county court, or board of supervisors of the county, or the board of the township, to require the township assessor to make any additional lists not required for state purposes, and for such service he shall receive fair compensation, to be paid by the county or township at whose instance such service is rendered.

Township assessor's statement of value of real and personal property in township to be furnished to supervisors

74. Each township assessor shall, by the first day of December, eighteen hundred and seventy, make out from the books of the commissioner of the revenue for his county, a statement of the aggregate value of real and personal property in his township, and furnish the same to the board of supervisors, which shall be the basis of their apportionment of the county levy among their various townships for the year eighteen hundred and seventy-one: provided, that if the re-assessment of the real estate of the commonwealth shall be completed by the first day of December, eighteen hundred and seventy, the said township assessors shall make their estimates of real property from that re-assessment.

Commissioners to make assessments for 1870

75. Nothing herein contained shall be so construed as to prevent the commissioners of the revenue appointed under the provisions of an act approved April eighth, eighteen hundred and seventy, from making the assessment of property for the year eighteen hundred and seventy.

Township collector.

Township collector; his bond, &c.

76. Each township collector shall, at the time of his qualification, enter into bond, in a penalty to be determined by the judge or court before whom he qualifies, but not less in any case than two thousand dollars, or less than double the amount to pass into his hands as such collector: provided, that the collectors elected on the twenty-sixth of May, eighteen hundred and seventy, shall give bond only in a penalty of double the amount which will, probably pass through the hands of such collector during his term of office, to be fixed by the court or judge before whom he qualifies.

Provide

What certificate collector to produce when he qualifies

77. Each collector shall, when he makes application to qualify, produce to the judge or court a certificate of the treasurer of the county, stating what amount of state revenue and of county levy, as near as he can approximate the same, will pass into the hands of such collector for collection, and a like certificate from the township clerk, showing the amount of the township levy, as near as he can approximate the same, which will pass into the hands of such collector for collection; and the failure of the treasurer or of the township clerk to furnish the same upon application, shall be deemed a breach of official duty, and punishable as such; but the judge or court may, for good cause shown, dispense with such certificate.

Duties, &c., of collectors

78. The duties, powers, and liabilities of township collectors as to all taxes and county and township levies which may pass

into their hands for collection, shall be the same as are now prescribed by law for the collection of taxes and county levies by the sheriff, except so far as the same may conflict with this act, and except that the jurisdiction, powers, and duties of a collector shall not extend beyond his township, except for the collection of taxes from tax-payers absconding or removing their effects from the limits of the township; and said collector shall, in all respects, have the same powers as to levy and sale for taxes, and in all respects be subject to the same laws governing sheriffs in the collection of taxes and county levies, so far as the same are applicable.

79. A collector unable, from sickness or other cause, to perform the duties of his office, may, at his own expense, employ a person, approved by the court, to assist him; and such assistant, after qualifying in the manner provided by law for the qualification of deputy sheriffs, may discharge any of the duties of collector, and the principal and his sureties shall be liable for the faithful performance of such duties. •

Collector may employ assistant

80. It shall be the duty of the township collector to receive annually, on the first day of September, from the county treasurer, at his office, all taxes and county levies, for the current year, in his township then unpaid, with five per centum on the amount thereof added, and to execute and deliver to said treasurer separate receipts therefor; and the collector shall be permitted to retain the five per centum on said taxes and levies, in his settlement with the treasurer, for his compensation, and shall not be liable therefor in any suit upon his bond as collector.

Collector to receive annually from treasurer all uncollected taxes, &c.

81. The township collector shall receive from the township clerk, at any time prior to the first of September, township levies, and receipt to him for the same; which receipt shall be filed and recorded with the township records; and for the collection of such township levies, he shall be entitled to retain such commissions upon the amount collected as the township board may allow, but not less in any case than the per centum allowed for the collection of taxes and county levies, and not more in any case than ten per centum on the amount collected.

Collection of township levies

82. Each township collector shall, immediately after the first day of September of each year, proceed to collect, by levy or otherwise, all taxes and county and township levies in his hands, and for this purpose shall have all the powers now granted to sheriffs for the collection of the revenue and county levy, and shall, on or before the first day of December of each year, pay over to the county treasurer all taxes and county levies collected by him, and in his settlement with the treasurer, if made by the said first day of December, shall have credit for all the taxes and county levies returned by him and certified as insolvent by the county judge, and a list of which has been posted on the front door of the courthouse; but the county judge shall not make such certificate except upon the certificate of the supervisor of the township, or proof of the fact by at least two competent witnesses, and until the list of such insolvent taxes and levies is verified by the oath of such collector, as similar lists are now required to be verified by the sheriff or

Duty and powers of township collector with regard to township levies

Certificate of county judge; when made

When collector
to pay over to
township clerk

Certificate of
supervisor

Collector to
receive in pay-
ment of levies
all warrants, &c.

Township
clerk's state-
ment to auditor

Within what
time levies re-
turned insolvent
may be put in
hands of col-
lector

Liability of col-
lector for failure
to pay over, &c.

collector of taxes; and said collector shall, by the thirty-first day of December of each year, pay over to the township clerk all township levies received by him, and in his settlement with the township clerk, if made by the said thirty-first of December, shall have credit for all township levies returned by him and certified as insolvent by the supervisor for said township, or two justices of the peace thereof, and posted at the voting place or places in said township; but the said supervisor or said justices shall not make such certificate until such insolvent list be verified by the affidavit of the collector, as required in the case of other insolvent taxes and levies.

83. The township collector shall receive in payment of the county levy, all warrants of the board of supervisors, and shall add no per centum upon such levies; and in his settlement with the township clerk shall have credit for all warrants of the township board presented by him, unless it appear that the same were purchased, directly or indirectly, by him at less than their full value; and shall have the same commission upon taxes so accounted for, as if the same were paid in money.

84. Within one month after the list of insolvent township levies is allowed, the clerk of the township shall make out and transmit to the auditor of public accounts, a statement of the real estate appearing thereby to be delinquent, showing the amount of the delinquency on each tract or lot; and there shall be a lien upon said real estate for said levies, and the auditor of public accounts shall keep a similar record of all real estate upon which there is a lien for township levies, to that required to be kept by him of lands upon which there is a lien for county levy, and said land shall be proceeded with, in all respects, as land upon which there is a lien for county levy; and all moneys received into the public treasury on account of such township levies, and the interest thereon, shall be considered as due to the township which ordered such levies, and shall be paid according to the order of the township board; but the lien of the commonwealth for taxes and interest, and the lien of the county for levies and interest, shall be paramount to the lien of the township for levies and interest.

85. The township clerk, by order of the township board, may place into the hands of the township collector levies which have theretofore been returned insolvent, at any time within five years from such return; and said collector shall receipt for, collect, and account for the same as for other township levies, and shall receive therefor such per centum as the township board may allow: provided; the same be not more than thirty nor less than ten per centum; and provided further, that no levies shall be placed in the hands of the collector which constitute a lien upon real estate under the preceding section of this act.

86. If any collector fail to pay over such taxes or county levies, or any part thereof, by the said first day of December, or said township levies, or any part thereof, by the said thirty-first of December, he and his sureties shall be liable, upon motion, for the amount of the deficiency in said taxes or levies, together with damages thereon, after the rate of ten per centum

per month from the time such payment should have been made; which motion shall be heard by the county or circuit court after ten days' notice in writing; which notice shall show upon its face on what account said taxes or levies are claimed; and said motion shall be prosecuted by the attorney for the commonwealth, who shall, in case of the recovery, be entitled to recover from the defendants a fee of ten dollars.

87. Vacancies occurring in township offices shall be filled by appointment by the county judge, and the person so appointed, upon qualifying and giving bond as required by law, shall enter upon the discharge of the duties of the office to which he has been appointed, and hold his office until his successor is elected and qualified. Vacancies in township offices; how filled

88. This act shall be in force from its passage, and chapter fifty-one of the Code of eighteen hundred and sixty, except section twenty-three, and all acts and parts of acts inconsistent with this act, are hereby repealed. Commencement

CHAP. 189.—An ACT for the Assessment of Taxes.

Approved June 29, 1870.

1. Be it enacted by the general assembly, That all male persons over twenty-one years of age, all personal estate within this commonwealth, and the moneys and credits of persons residing therein, whether such moneys and credits, as distinguished from other personal estate and as defined in this act, be in or out of this commonwealth (except such personal estate, moneys, and credits as are expressly exempted by law, or are otherwise taxed by this act), shall be entered on the commissioner's personal property book, and be subject to equal and uniform taxation. What persons and personal property listed

What personal property is exempt from taxation.

2. All personal property described in this section, and to the extent herein limited, shall be exempt from taxation, that is to say: What personal property exempt

All personal property belonging exclusively to the commonwealth.

All books, apparatus, and furniture belonging to incorporated colleges and academies, and to free schools and theological seminaries, and used for college or school purposes, or belonging to public libraries, or held in trust for the use of any seminary of learning; to the University of Virginia; to the Virginia Military Institute; to the institution for the education of the deaf and dumb and the blind; and to the lunatic asylums.

All personal property belonging to churches, religious societies, or to orphan asylums or other charitable institutions, or held by a county or corporation for the use of the poor, and

by Masonic or Odd Fellows and like benevolent associations, used exclusively for charitable or benevolent purposes.

All fire engines or other implements for the extinguishment of fire.

Construction of revenue laws.

Construction of
revenue laws

3. In the construction of the laws for the assessment and collection of taxes, the rules of decision prescribed in the sixteenth chapter of the Code of Virginia shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature; and in addition to the rules of construction therein prescribed, the word "moneys" shall be construed to mean not only gold, silver, and copper coins, but bullion and all notes used as a currency. The word "credits" shall be construed to mean all solvent debts, claims, or demands owing or coming to any person, whether the evidence of such debts, claims, or demands be in writing or not, and shall be construed to embrace all moneys and credits constituting capital employed in business out of this state, by himself, his agent, or other person for him. The word "income" shall be construed to include all agricultural productions of this state in the hands of the owner of the land, or the producer of the same.

When the commissioners begin to assess property.

When commis-
sioner shall be-
gin to assess

Proviso

Commissioner's
duty

4. Each commissioner shall begin annually, on the first day of February, unless otherwise directed by the auditor, and proceed, without delay, to ascertain all the persons and property on that day, or which may be found in his district subject to taxation prior to the time he shall deliver his book to the officer charged with the collection of the taxes: provided, that any person beginning any trade or business after the first day of February of any year, shall be assessed from the date of beginning upon the capital used or intended to be used by him in carrying on such trade or business, the same to be ascertained as hereinafter provided; and the tax thereon shall bear such proportion to the whole annual tax, as the space of time between the assessment of the same and the first day of February bears to a full year; and provided further, that the money invested in said business shall not be twice taxed as capital for the same year in the same county. It shall be his duty to call on every person in his district required by law to give a list of property, moneys, credits, or other subjects of taxation, and the value thereof, for a list thereof. Upon neglect or refusal to give such list, in order to obtain the same, he may apply to any officer of this state, or to any officer or agent of a company or firm, or to any person having knowledge thereof, or interested therein. It shall be the duty of the commissioner, in all cases, to administer an oath to any such person to make true answers to such questions as he may ask him in relation to any matter about which the commissioner is authorized to inquire; and if the same be the person assessed

with taxes on the property, the oath shall be as prescribed in the eighth section of this act. A commissioner failing to administer the oath required, shall forfeit fifty dollars. Penalty

What personal property to be listed for taxation; who to list the same; when and how.

5. The commissioner shall ascertain from and assess for taxation, against every person of full age and sound mind in his district, residing therein on the first day of February of each year, all male persons over the age of twenty-one years, personal property and the value thereof, and subjects of taxation in his district on that day, or which may be found therein prior to the day on which he may deliver his book to the officer charged with the collection of taxes not taxed elsewhere in this state for said year. If property be owned by a minor, it shall be listed by and taxed to his guardian, if any he has; if he has no guardian, it shall be listed by and taxed to his father, if any he has; if he has no father, then it shall be listed by and taxed to his mother, if any he has; and if he has neither guardian, father, nor mother, it shall be listed by and taxed to the person in possession. If the property is the separate property of a married woman, it shall be listed by and taxed to her husband, if of sound mind; if not of sound mind, to herself. If the property be the estate of a deceased person, it shall be listed by the personal representative or person in possession, and taxed to the estate of such deceased person. If the property be owned by an idiot or lunatic, it shall be listed by and taxed to his committee, if any; if none has been appointed, then such property shall be listed by and taxed to the person in possession. If the property is held in trust for the benefit of another, it shall be listed by and taxed to the trustee, unless the owner thereof has listed the same in his own name. If the property belong to a company or firm, it shall be listed by and taxed to the company or firm. If the property belong to a corporation, which property is not otherwise taxed, it shall be listed and taxed to the corporation by the principal accounting officer, and at the principal place of business of such corporation; but if not so listed, it shall be listed and taxed in the place where the property is. If the property consists of money, bonds, or other evidences of debt, under the control or in the possession of a receiver or commissioner, it shall be listed by and taxed to such receiver or commissioner. If the property consists of money or other thing deposited to the credit of any suit, and not in the hands of a receiver, it shall be listed by and taxed to the clerk of the court in which the suit is. If the property is not situated in the county or corporation in which the owner resides, such owner shall, nevertheless, list the same in the county or corporation of his residence; but such property may also be listed and taxed to the person in whose possession the same is; but if it appear by the certificate of the commissioner of the county where the owner resides that the same has been listed by him, it shall be released from taxation by the court of the

What personal property to be listed for taxation

Minor's property

Property of others than minors

county in which the person in possession, other than the owner, resides. If such property consists of money, bonds, stocks, or other evidences of public or private debts, in any county or state other than Virginia, it shall be listed by and taxed to the owner thereof. If property be listed by and taxed to any person other than the owner, it shall not be delivered to the owner until the taxes thereon are paid, or indemnity given to the person in possession for the payment thereof.

In whose hands
property liable
to distress
Penalty

6. In all cases, property subject to levy or distress for taxes, shall be liable to levy or distress in the hands of any person for the taxes thereon. If any person, subject to taxation on personal property, and who is required to list the same, shall fail upon application to make such list, and take an oath to the truth and fairness of such list, he shall forfeit not less than thirty dollars nor more than fifty dollars for each failure; and if by reason of such refusal or failure to swear to the list of such property, as he is by law required to list, and the commissioner resort to other evidence to make the assessment, and such person so assessed be aggrieved by an erroneous entry, he shall not, after such failure or refusal, and the assessment made by reason thereof, be exonerated from such erroneous assessment by order of court.

Commissioner's
report

7. The commissioner shall make a particular report on oath to the court of his county or corporation, of all his property subject to taxes, showing the whole amount chargeable to him therefor. He shall enter the same in his books, with taxes charged thereon, in like manner as to any other person. For failing to perform any duty required by this section, he shall forfeit one hundred dollars.

Penalty

When forms shall be furnished to tax-payers.

When forms
furnished to tax
payers

8. The commissioners shall furnish, or cause to be furnished to each person, forms for lists or valuations, and such person shall, within ten days thereafter, make out and deliver to the commissioner, or deposit with the clerk of the county or corporation court, statements of all personal estate, moneys, contracts, and credits which such person is required by this act to list, and of all subjects and persons on account of which he is chargeable with taxes. The number of forms deemed necessary for each commissioner shall be furnished by the auditor of public accounts to such commissioner. The person who receives such form shall annex, in pursuance thereof, valuations of the property required to be listed, and shall take and subscribe an oath, to be appended to such statement, to the following effect, viz:

How filled up
and sworn to

"I do solemnly swear (or affirm) that to the best of my knowledge and belief, the annexed statements contain accurate, full and complete lists of all personal estate, moneys, credits, and capital, whether the same are in or out of the state, which I am required to list, and of all subjects and persons on account of which I am chargeable with taxes, and that, in my opinion, the valuations of property listed are not below the fair cash value thereof. So help me God."

And the auditor shall furnish to the commissioner the blank list of taxables, with the required oath printed on the back, which said oath shall be taken before the commissioner, or some other person authorized to administer oaths; and it shall be signed by the tax-payer; and where the person gives in the list for another, he shall make and sign the oath as if he were acting for himself, and the lists so taken shall be filed with the clerk of the county or corporation court, and he shall examine the books to ascertain that they are so filed.

Auditor to furnish forms

9. Such oath may be administered by the commissioner or any other officer authorized by law to administer an oath; and if any person be absent from his residence at the time the commissioner calls (and there be no person on the premises authorized to act for such person), the commissioner may leave or cause to be left for such person at his residence, with some person of his family over the age of sixteen years, or if there be no such person on the premises, may otherwise cause to be delivered to such person proper forms, to enable him to make out the statement aforesaid, with the form of the oath aforesaid appended thereto; and it shall be the duty of such person, within ten days thereafter, to make out and deliver to the commissioner, or deposit with the clerk as aforesaid, such lists, with the valuations of property annexed, verified by affidavit, as are hereinbefore required.

By whom oath administered

In case of absence of owner

10. If the commissioner is not satisfied with the valuation of the property made by any such person, he may, upon his own view, or such information as he may obtain or possess, adopt what he deems a fair and proper valuation thereof; and where it is practicable, the commissioner shall read over the list, with the valuations annexed, to the person from whom it is obtained, or on whose information it is made out, and it shall be corrected, if necessary. If any person shall consider himself aggrieved by the valuation of the commissioner, such person and the commissioner shall respectively choose two discreet voters, to whom shall be referred the matters in controversy; and their decision, or that of any umpire chosen between them, shall be final.

In case commissioner is not satisfied with valuation

Where owner considers himself aggrieved

Penalties for failing to comply with this act.

11. If any person, after being furnished with the proper forms as aforesaid, shall fail, within the time mentioned in this act, to deliver or deposit the lists in the manner prescribed in this act, he shall forfeit twenty dollars. If any person shall refuse to exhibit to the commissioner any property listed, or required by this act to be listed by him, in order that a fair valuation thereof may be assessed, he shall pay a fine of not less than twenty nor more than one hundred dollars.

Failure to comply with these provisions; what penalty

Commissioner's personal property book; how made out; what to contain.

12. From the list of persons and personal property ascertained as aforesaid, the commissioner shall make a book. It shall be in the form prescribed by the auditor of public ac-

Commissioner's personal property book; how made out, &c.

counts, and it shall be so arranged that the commissioner may set forth, in as many separate columns as may be necessary to show the persons chargeable with taxes, alphabetically arranged, opposite thereto, the several subjects of taxation, and the values of each; and in a separate column, opposite to the name of the person chargeable with taxes as aforesaid, shall show the aggregate amount of taxes on all the subjects with which he has been listed. The taxable subjects shall be classified by schedules, and numbered as follows, to wit: ●

SCHEDULE A.

13. The classifications and numbers under schedule A shall be as follows, to wit:

White males

First—The number of white male inhabitants who have attained the age of twenty-one years, not exonerated from taxation by order of the county or corporation court of his residence, on account of bodily infirmity.

Colored males

Second—The number of colored male inhabitants who have attained the age of twenty-one years, not exonerated from taxation by order of the county or corporation court of his residence, on account of bodily infirmity.

SCHEDULE B.

14. The classifications and numbers under schedule B shall be as follows, to wit:

Personal estate.

Personal estate

First—The aggregate number of horses, mules, asses, and jennets, and the value thereof.

Second—The number of cattle, and the value thereof.

Third—The number of sheep and goats, and the value thereof.

Fourth—The number of hogs, and the value thereof.

Fifth—The aggregate number and value of all pleasure carriages, stage coaches, carts, wagons subject to taxation, elliptic spring wagons, carryalls, gigs, buggies, and vehicles of like kind to either of those enumerated.

Sixth—The aggregate value of all books and pictures, except so far as the same are exempt by the second section of this act.

Seventh—The aggregate value of all tools of mechanics.

Eighth—The aggregate value of all farming implements.

Ninth—The aggregate value of all mineral productions.

Tenth—The aggregate value of all felled timber and bark (which has been felled more than one year).

Eleventh—The number of watches, and the value thereof.

Twelfth—The number of clocks, and the value thereof.

Thirteenth—The aggregate number and value of piano fortes, melodeons, harps, organs, and musical instruments of all kinds.

Fourteenth—The aggregate value of all household and kitchen furniture.

Fifteenth—The aggregate value of gold and silver plate, plated ware and jewelry, not including such as are embraced in any other number of this schedule.

Sixteenth—The aggregate value of all grain, tobacco, and other agricultural productions in the hands or possession, legal or constructive, of a purchaser.

Seventeenth—The aggregate value of all ships, barges, boats, or other water craft, with their tackle, rigging, and furniture, and all else that pertains to them, or of the share or interest in any such, owned by any person residing in Virginia, though the said ships, or any of them, may not be, at the time when the assessment was made, in the waters of Virginia. And the aggregate marketable value of all other personal property not specifically enumerated in this or other schedules and not exempt from taxation.

SCHEDULE C.

15. The classifications and numbers under schedule C shall be as follows, to wit :

On personal property in choses in action, moneys, credits, and capital.

First—He shall ascertain from each person residing in his district the value in this state of all solvent bonds, demands, and claims, however evidenced, owing or coming to such person, whether due or not, from debtors residing out of or within this state or country, deducting from the aggregate amount thereof all such bonds, demands, or claims not otherwise deducted, owing to others from such person as principal debtor and not as guarantor, endorser, or surety. The aggregate of principal, interest, and exchange shall constitute the amount of a bond, demand, or claim due and payable, and the principal, less the interest, when the bond, demand, or claim bears no interest, shall constitute the value of a bond, demand, or claim not yet due and payable. But no bond, demand, or claim constituting a part of the capital as defined in this act, of a business done out of the state, shall be included in this section. Choses in action

Second—He shall ascertain from each person in his district the value of capital, including moneys, credits, or other thing remaining invested, whether said investment was made originally in this or any other state or country, loaned, used, or employed in business out of this state, by himself, his agent, or other person for him. Value of capital

Third—He shall ascertain the value of all capital of incorporated joint stock companies, not otherwise taxed ; but real estate and all other property belonging to such company, not employed in the business thereof, shall not be held to be capital, but shall be listed and taxed as property and not as capital. Capital of incorporated companies

Fourth—He shall ascertain from each person in his district the amount of capital invested, used, or employed in any trade or business for which no license is required. Moneys and credits actually and actively used and employed in carry- Capital, &c., in trade where no license required

ing on the trade or business, including goods, wares, and merchandise on hand, and all solvent bonds, demands, or claims made or contracted in the course of business during the preceding year, shall be held to be capital in such trade or business, and shall not be taxed otherwise than as such capital; but real estate shall not be listed as such capital, but shall be assessed and taxed as other specific property; but nothing herein shall be held to exclude from taxation any property which is the subject of such business.

Money, &c., in
hands of re-
ceiver

Fifth—He shall ascertain from each person residing in his district, the aggregate amount of money, and the value of principal and interest of personal estate and credits under the control of a receiver or commissioner, in pursuance of any order, judgment, or decree of any court.

Money, &c., to
credit of suit

Sixth—He shall ascertain the amount of any money, and the value of any personal estate or credits deposited to the credit of any suit, and not in the hands of a receiver.

Toll bridges and
ferries

Seventh—He shall ascertain the value of all toll-bridges and ferries, by reference to the yearly rent which may be paid therefor, if rented; if not rented, then the same may be ascertained by valuation, or from the yearly value.

SCHEDULE D.

16. The classification and numbers under schedule D shall be as follows, to wit:

Amount of in-
come

He shall ascertain from each person in his district the aggregate amount of income in excess of fifteen hundred dollars, whether received or due, though not received within the year next preceding the first of February in each year, except salaries of ministers of any religious denomination, and salaries of officers of the state, payable at the treasury, the tax on which shall be collected at the time the salary is audited and paid, at which time, also, the auditor shall deduct all indebtedness of such officer.

What word in-
come to include

The word "income" shall include all interest upon notes, stocks, bonds, or other securities, of whatever description, of the United States or of any state, or any corporation, company, partnership, firm, or individual, collected or received during the year, less the interest due and paid by said person during the year; the amount of all premiums on gold, silver, or coupons; the amount of sales of live stock, meat of all kinds, less the value thereof at the time of the assessment of the same; provided, the said value has heretofore been taxed as capital; wool, butter, cheese, hay, tobacco, grain, or other vegetable, agricultural or other production grown or produced by said person; all other gains and profits derived from any other source whatsoever, and the share of the gains and profits of all companies, whether incorporated or partnership, of any person who would be entitled to the same if divided, whether said profits have been divided or not: provided, however, that no income shall be included received from corporations or institutions, whose officers, under the requirement of law, deduct the state tax due thereon before paying the same to the

Provide

parties entitled to receive said income, and pay the said state tax to the officer or officers entitled to receive the same; and provided further, that in addition to the sum of fifteen hundred dollars aforesaid, there shall be deducted from the income of the person assessed, all losses sustained during the year by fire or shipwreck, all losses incurred in trade, all sums actually paid for labor or service, all fertilizers purchased and used by any person who cultivates land or conducts any business from which income is actually derived, except sums paid out for improvements, new buildings, and betterments made to increase the value of property or estate; and provided further, that only one deduction of fifteen hundred dollars shall be made from the aggregate income of any family, except that guardians may make a separate deduction of fifteen hundred dollars in favor of each ward out of the income coming to said ward, save when the income accruing to wards is derived from joint property, when only one deduction shall be made.

False lists; penalty and proceedings.

17. If any person shall knowingly render a false list of personal property, choses in action, moneys, credits, capital, income, salary, or other subject of taxation, as described in the several schedules of this act, and shall swear to such list, it shall be the duty for the attorney for the commonwealth, upon his own knowledge, or upon information furnished him by any revenue officer of the state, or any other person under oath, to file a petition in the circuit court of the county or corporation wherein the list was taken, setting forth the total or partial omissions in his list, or the values therein, annexed to specified subjects of taxation, and asking the court to summon the person or persons giving the list, to answer the petition. Upon the summons being duly executed according to law, the court shall impanel a jury to try the allegations of the petition; and if a verdict be rendered establishing the false list, the court shall render judgment against the accused for double the amount of the taxes imposed upon the property so omitted, together with the costs of the proceedings, including a fee of five dollars to the commonwealth's attorney; and the court shall, moreover, direct the collector of taxes for the county or township, upon ten days' notice; to sell for cash the said property, or so much thereof as may be necessary to satisfy the judgment aforesaid, with a commission to the collector of ten per centum upon the amount thereof. And it shall be the duty of the collector, within twenty days from the sale, to pay the taxes so collected into the treasury of the state, and to pay the costs to the persons respectively entitled thereto; and any commonwealth's attorney failing to perform the duties required of him by this section, shall be fined in a penalty not exceeding one hundred dollars.

*Rules both as to land book and book of personal property.*Rules as to
property books

18. The commissioner shall add up the columns of figures on each page, so as to show at the bottom of each, the total aggregate of each column, and number of persons and articles subject to taxation, with the amount of the public tax due on everything contained in such page; and at the end of each book he shall enter the sums from the bottoms of the respective pages, by reference thereto, so as to present at one view the various species and total number of the subjects of taxation within his district, and the entire amount of the revenue arising therefrom.

*Deductions for failure to extend proper tax.*Deductions for
failure to extend
proper tax

19. If a commissioner shall, either in his land book or book of personal property, charge or extend in any case a less tax than the law requires, the auditor of public accounts shall deduct the amount omitted to be charged or extended from the compensation of the commissioner.

*Books for former years; how made.*Books for former
years

20. In any case in which, in consequence of there being no commissioner for the year eighteen hundred and sixty-nine, or from any other cause, no book was made out of the land tax, or the tax on personal property for that year, the commissioner of such district shall proceed to make out books for that year, according to the rate of tax which then existed, as well as books for the current year. The like proceedings shall be had with and under the books of the year eighteen hundred and sixty-nine, as with those of the current year, and the sums therein charged shall be collected and accounted for in like manner.

Omitted taxes; how assessed.

Omitted taxes

21. If a commissioner shall ascertain that any person, or any real or personal property, or income of salary, has not been assessed for taxation for the year eighteen hundred and sixty-five, or any subsequent year, or that the same has been assessed at less than the law required for that year, or that the taxes thereon for any cause have not been realized, it shall be the duty of the commissioner to list the same, and assess the taxes thereon at the rate prescribed for that year, adding thereto interest at the rate of six per centum per annum. Where the same was omitted by no fault of the person chargeable with the taxes, no interest shall be charged.

Penalties on commissioners.

22. If any commissioner shall knowingly make a false or erroneous entry on any of his books, he shall, for every such offence, forfeit two hundred dollars. Penalty for false entry

Commissioner's oath to land book.

23. The commissioner, after completing his land book, shall make three copies thereof. At the foot of each copy he shall make and subscribe an oath to the following effect:

"I, A. B., commissioner of the revenue (district No.) Oath to land book
for the county (or corporation) of , do swear that,
in making out the original book, of which the foregoing is a
correct copy, I have, to the best of my knowledge and ability,
pursued the laws prescribing the duties of a commissioner of
the revenue, and that I have faithfully discharged the duties
required of me in assessing new entries of and improvements
upon tracts of land and lots, and injuries to buildings thereon,
and have made all corrections in said book, as required by
law. Given under my hand this day of
Sworn to and subscribed before me, a justice of the peace (or
other person authorized to administer oaths) for the county
(or corporation) of , on the day ."

Commissioner's oath to property book.

24. The commissioner, in like manner, after completing his personal property book, shall make three copies thereof. At the foot of each copy he shall make and subscribe an oath to the following effect:

"I, A. B., commissioner of the revenue (in district No.) Oath to property book
for the county (or corporation) of , do swear that,
in making out the original book, of which the foregoing is a
correct copy, I have, to the best of my knowledge and ability,
pursued the laws prescribing the duties of a commissioner of
the revenue; that in every case the list of each person was rendered
on oath, except those noted by me as having failed or
refused to take an oath or affirmation. Given under my hand
this day of . Sworn to before me, a justice
of the peace (or other person authorized to administer oaths)
for the county (or corporation) of on the day
of ."

25. The original of each book shall be retained by the commissioner so long as he continues in office, and then be delivered to his successor. If he fail herein, or if he fail to make the copies required by law, he shall forfeit fifty dollars. Original

26. One copy of each book shall be delivered by the commissioner to the clerk of the county or corporation court of his county or corporation, to be filed and preserved by such clerk, free for the inspection of any person, and a copy of either, or any part thereof, may be had from the clerk, at the charge of any person desiring the same. Copy to clerk

Copy to collector

27. One copy of each book shall be delivered by the commissioner to the officer authorized to collect the taxes therein assessed, which shall be his guide and authority for collecting the taxes therein charged.

Copy to auditor

28. The other copy of each shall be transmitted to the auditor of public accounts by the commissioner, with his certificate, stating that he delivered a duplicate thereof to the proper officer charged with the collection of the taxes and the time of the delivery. Each copy shall be examined by the auditor of public accounts, with the book of the preceding year, and with the transcripts, abstracts, or statements from the records required to be furnished. He shall note all errors and omissions, and transmit a statement to the proper commissioner for the succeeding year. This copy shall be a guide for the auditor in a settlement with the officer charged with the collection of the taxes. It shall be admitted as evidence in any proceedings for judgment against such officer on account of the taxes with which he is chargeable.

Admitted as evidence

Penalties

29. If the duty prescribed by the twenty-sixth section of an act which became a law April eighth, eighteen hundred and seventy, entitled an act in relation to commissioners of the revenue, shall not be performed before the first day of September, or if the duty prescribed by the twenty-seventh section shall not be performed before the fifteenth day of September, or if the duty prescribed by the twenty-eighth section shall not be performed before the first day of October, the commissioner failing to perform any of these duties shall, for such failure, pay a fine of not less than one hundred nor more than five hundred dollars. And moreover, the auditor of public accounts shall suspend the payment of his compensation.

Commissioner may require receipt

30. The commissioner may require from the clerk, collecting officer, and auditor, a receipt or acknowledgment in writing of the delivery of the said books to them respectively.

Fees of commissioners.

Fees of commissioners

31. Each commissioner shall be entitled to the following fees: for making an entry or assessment under the twenty-fifth section of the last mentioned act, of any parcel of land, one dollar for every such parcel, to be paid by the owner; for making an assessment when requested by any owner of any part of the land, under the twenty-eighth section of above act, one dollar and seventy-five cents, for the parties amongst whom the land is divided, shall be jointly and severally liable, except where the commissioner's proceedings are confirmed by the court; in which case, the party complaining shall pay the commissioner's fee, in addition to the cost incurred in consequence of the application to the court; for making an entry transferring lands, before charged to one person, unto another, one dollar, which shall be charged to the person to whom the transfer is made, and be a compensation for all the tracts in the commissioner's district conveyed by the same deed; for an entry of land according to the thirty-second and thirty-

sixth sections of above act, one dollar, which shall be charged to the person for whom the entry is made.

Fees ; how made out and collected.

32. The commissioners may make out tickets for their fees, and place them in the hands of a sheriff or other officer, to be collected and accounted for in the same manner that clerks' fees are collected and accounted for. The said commissioners shall be subject to the same penalties as clerks of courts for issuing tickets wrongfully.

How made out and collected

Commissioner's compensation other than fees.

33. Every commissioner of the revenue shall be entitled to receive, in consideration of his services, to be paid on or before the first day of October, out of the treasury, upon the warrant of the auditor of public accounts, a commission of two and one-half per centum on the amount of taxes lawfully assessed by him on persons, on real and personal property, income and salaries, within the preceding twelve months. But when taxes assessed in any district in a county exceed twenty thousand dollars, the commission allowed on the excess shall be only one and one-half per centum; and where the said taxes assessed in any district in a town exceed sixteen thousand dollars, the commission allowed on the excess shall be only one per centum.

Other compensation

34. The preceding section shall not have the effect to reduce the compensation to each of the commissioners of the counties of Carroll and Prince William, and the corporation of Danville, below the sum of one hundred and twenty-five dollars; and each of the commissioners of the counties of Grayson and Giles, and the city of Williamsburg, below the sum of one hundred dollars; and the allowance to any commissioner of any county not mentioned in this section, now existing, or which may be hereafter created, shall, at the election of the commissioner, be the commissions allowed in the next preceding section, or a specific allowance of two hundred and fifty dollars. The auditor of public accounts shall also pay to the several commissioners all postage advanced by them in the transmission of their books, or any correspondence touching the duties of their office, and a fee of ten cents for each birth and death registered and returned by them.

Exceptions

Postage; fee for registration of births and deaths

When compensation suspended.

35. The said compensation hereby allowed to a commissioner shall be denied, unless he has punctually performed his duties in reference to listing of births and deaths, to the assessment of property and licenses, and make all reports required within the time prescribed by law, or can show to the satisfaction of the auditor of public accounts a strong and sufficient

When compensation suspended

reason for his delay. In every such case, the auditor may settle with such commissioner for his services upon equitable principles.

Compensation for services omitted by other commissioner.

Compensation
for services
omitted by
other commis-
sioners

36. Where, however, any commissioner lists the property and makes out books for a former year, such compensation may be allowed him, in addition to what he is entitled to for his services during the current year, as he would have received in a former year, had he then been appointed and performed the duties of commissioner.

Where one com-
missioner dies,
&c.

37. When one commissioner begins in any year, and dies or is removed before the services to be rendered by the commissioner in that year are fully performed, in consequence whereof another succeeds him, who completes the same, the sum to be paid for the whole services of the commissioners in that year shall be apportioned between the commissioners according to the services by them respectively performed. If, however, in consequence of any failure to deliver up books or papers which the former had, the latter has to proceed to take the list of taxable property, and do all that he would have to in case there had been no previous commissioner that year, then he shall receive all the compensation for the said year.

Condition

Redress against erroneous assessment.

No abatement
to be made after
copy delivered

38. After the commissioner shall have delivered a copy of his land book or the book of personal property to the collector, no alteration shall be made in either by the commissioner, affecting the taxes of that year.

Redress against
erroneous
assessment

39. But any person assessed with taxes, aggrieved by any entry in either book, may, within two years after the delivery of such book to the collector, apply for relief to the court in which the commissioner gave bond and qualified. The attorney for the commonwealth shall defend the application; and no order made in favor of the applicant shall have any validity, unless it be stated on the face thereof that such attorney did defend it; that the commissioner making the assessment, or his successor, was examined as a witness touching the application, and the facts proved be certified.

Order of court

40. If the court be satisfied that the applicant is erroneously charged on such book with any taxes, and that the erroneous entry was not caused by reason of the failure or refusal of the applicant to furnish a list of his property, real and personal, to commissioner on oath, as the law requires, it may order that the assessment be corrected by increasing or diminishing the amount of taxes. If the assessment exceeds the proper amount, the court may order that the applicant be exonerated from the payment of so much as is erroneously charged, if not already paid; and if paid, that it be refunded to him; and if the assessment be less than the proper

How money re-
funded

amount, the court shall order that the applicant pay the proper taxes, and shall furnish the auditor of public accounts with the new assessment.

41. An order of exoneration made as aforesaid, delivered to the collector, shall restrain him from collecting so much as is thus erroneously charged; or if the same has already been collected, shall compel him to refund the money, if such officer has not already paid it into the treasury; and either way, when properly endorsed by the applicant, it shall be sufficient voucher to entitle the officer to a credit for so much in his settlement with the auditor of public accounts.

Order of exoneration; effect of

42. If what was so erroneously charged has been paid into the treasury, the order of court shall entitle the claimant to a warrant on the treasury for the amount thereof: provided, application for the same be made to the auditor of public accounts within one year after the date of such order.

How, if paid into treasury

43. If the court shall be of opinion that the error asked to be corrected was committed by reason of the neglect or carelessness of the commissioner, it may render judgment against him for the costs of the application; and if the erroneous entry was made by reason of the failure or refusal of the person charged to furnish the commissioner with a proper description, exhibition, or list, the court shall refuse relief.

When court may refuse redress

Supersedeas authorized.

44. If from the statement of facts or other evidence the auditor of public accounts shall be of opinion that the order of court granting the redress is erroneous, he may advise a supersedeas or appeal to the circuit court of the county or corporation having jurisdiction over the county or corporation in which the order was made. Such appeal or supersedeas shall be granted as a matter of right, and shall be prosecuted by the attorney for the commonwealth for such court. The circuit court, upon the facts stated, and upon such other evidence as either party may offer, shall correct, affirm, or reverse the order of exoneration, and shall make such order thereupon for the collection of the taxes or otherwise as the court may consider proper. The appeal or supersedeas shall be tried in a summary way without pleadings in writing. No costs shall be awarded by the court or paid by the commonwealth about such appeal or supersedeas, unless the court, in its discretion, shall give judgment for costs against the commissioner who made the erroneous assessment.

Supersedeas; when authorized

How tried
Costs

Offences against the revenue laws; how prosecuted.

45. Every commissioner of the revenue shall deliver to the foreman of every grand jury a statement of all offences against the revenue laws of this commonwealth, and shall also deliver a copy of such statement to the attorney for the commonwealth, known to him, together with a list of the witnesses by whom it is expected to prove the offence, and also transmit a copy thereof to the auditor of public accounts; and no com-

Prosecution of offences against revenue laws

missioner shall draw from the treasury any money unless and until he make such report, verified by affidavit specifying the offences, and the persons committing the same, or that no violations have been discovered by him.

Modes of recovering fines.

Recovery of
fines

46. Any action or motion for the recovery of any fine or forfeiture prescribed by this act against any commissioner of the revenue or clerk, may be instituted or made by the auditor of public accounts in the circuit court of the city of Richmond, according to the second section of the forty-third chapter of the Code.

County levy.

County levy

47. The proper authority of any county may make such use of the commissioner's books required to be filed in the clerk's office as may be necessary to enable such authority to raise money by levy to pay the charges against such county; and if the authority shall furnish the commissioner with a proper blank book, in which to record the names of persons subject to levy, such commissioner shall list the same when he takes the list of other taxable subjects and shall return such book to such court.

Railroads and canals.

Report of rail-
roads and canals

48. Every railroad and canal company shall report annually, on the first day of February, to the auditor of public accounts, the estimated value of its real and personal property of every description, classifying the same under the following heads:

1. Roadway and track or canal bed.
2. Depots, depot grounds, and lots.
3. Real estate not included in other classes.
4. Rolling stock, boats, machinery and equipment.
5. Stores.
6. Miscellaneous property.

Where work is
only partly in
the state

How report
verified
Company shall
be collector

Penalty

Every such company shall report quarterly, on the first day of February, May, August, and November, the net earnings of the road or canal for the preceeding three months, and in all cases the report shall be so made as to give the data on which the same is made. If such road or canal is only in part within the commonwealth, the report shall show what part is within the commonwealth, and what proportion the same bears to the entire length of the road or canal, and shall apportion the earnings accordingly. Such report shall be verified by the oath of the president or other proper officer. The company shall be the collector for the state of the taxes which may from time to time be imposed, and shall, at the time fixed for making said report, pay into the treasury the taxes imposed thereon by law. For each failure to make such report and return of tax, the company shall pay a fine of not less than five hundred dollars nor more than five thousand dollars, a judgment for

which may be obtained by the auditor of public accounts, after twenty days' notice, before the judge of the circuit court of Richmond.

A company failing to make such report or pay the taxes may be immediately assessed, under the direction of the auditor of public accounts, by any person appointed by him for the purpose, at its full cost of construction; and a tax shall at once be levied on double such value at the annual rate levied upon the value of other property for the year. Such tax so levied shall be collected by any sheriff or collector to whom the auditor may deliver the assessment or a copy thereof. The sheriff or collector may distrain and sell any personal property of such company, and shall pay the taxes into the treasury within three months from the time the assessment, or a copy as aforesaid, may be delivered to him.

Punishment for failure to make report and pay taxes

Powers of distress

Express companies.

49. Every express and transportation company shall make return to the auditor of public accounts on or before the fifteenth day of March, June, September, and December of each year, of the net earnings of such company on account of any transactions, profits, or charges within the state of Virginia within the three months next preceding the first day of March, June, September, and December of each year, and on the fifteenth day of March, shall likewise return the value of all real and personal property in the state owned by said company. If the auditor of public accounts shall have prescribed a form for such return, the report shall be in the form prescribed. If no such form shall have been prescribed, the report shall be in such form as will best disclose the operations of such company. The report of such company shall be verified by the oaths of the agents and chief officers of such company at its principal offices in this state. The report shall show the net earnings from the receipts and charges of such company for business done in this state, whether collected in or out of the state. Such express company shall be the collector for the state of the taxes herein imposed, and shall, on or before the fifteenth day of March, June, September, and December, pay on the total earnings so reported, such taxes as may be prescribed. For a failure to make such report or pay such tax, a penalty of not less than one thousand nor more than five thousand dollars shall be imposed upon the company so failing; and the tax shall be immediately assessed upon the gross earnings as aforesaid, under the direction of the auditor of public accounts by any person appointed by him for the purpose, upon the best information which such person can obtain, and to that end may exercise all the powers of a commissioner of the revenue. For the payment of the tax and of such penalty, the stockholders and members of such company shall be personally liable, and judgment may be rendered against them, or any of them, personally, in the circuit court of the city of Richmond, in the mode prescribed by law. Such company and its officers and agents are hereby prohibited from

Report of express companies

Form

Verified by oath

Company shall collect taxes imposed; when to make payment

Penalty

Stockholders liable

Judgment; in what court

Prohibitions

Agents' reports	transporting any goods, wares, merchandise, or other articles of their own, or in which they have an interest, by said company; and they are hereby prohibited from doing any business appertaining to the business of a broker or merchant unless licensed as broker or merchant. Such principal officer shall require from the several agents employed by such company a report of their transactions on oath, which report, so sworn to, shall accompany the report of the chief officer to the auditor of public accounts. All reports hereafter shall be made under the provisions and in pursuance of this act. Such company, its officers, and agents, doing business as broker and merchant without a license, and for any other violation of this act, shall forfeit not less than two hundred nor more than two thousand dollars for each offence; and if the officers and agents of such company fail or refuse to show what, if any, goods have been transported over any road by any such company, or by any officer or agent thereof, such company shall be held to have engaged in the business of a broker or merchant, and the penalty hereby imposed shall be exacted.
Penalty	

Savings banks and insurance companies.

Savings banks
and insurance
companies

Their report	50. Savings banks and insurance companies incorporated by this state shall, in July and January of each year, either declare a dividend of profits arising out of the operations of such savings banks and insurance companies for the six months ending on the first day of July and January next preceding, or determine their inability to do so. If a dividend be declared of as much as three per centum of its capital, as herein defined, the said institution and company shall cause a tax to be paid into the treasury, and the same shall be retained from the dividend on which it is payable. If there be no dividend, or if such dividend be not as much as three per centum of such capital, as herein defined, then such institution and such company shall pay into the treasury a tax on its capital. For this purpose, the capital stock shall be held to consist of the value of the assets held as capital and money deposited. Between the first and fifteenth of July and January of each year such institution and company shall certify to the auditor of public accounts, on the oath of its chief accounting officer, the amount of the dividend declared, if any, and of its capital where no dividend has been declared, and shall pay the tax herein imposed into the treasury. The tax hereby imposed on money deposited in such bank may be retained by such bank from the depositors. If any such institution or company fail to make such report and pay such tax, it shall be liable for the same, and forfeit not less than five hundred dollars nor more than two thousand dollars, which shall be recoverable in the circuit court of the city of Richmond, on motion of the auditor of public accounts, after twenty days' notice, which notice shall be served as prescribed by law in other cases.
Penalty	
Where recoverable	

Foreign insurance companies.

51. Every insurance company not incorporated by this state, and doing business therein, shall, in June and December of each year, make report to the auditor of public accounts, on oath, showing the amount of assessments collected and premiums received, and obligations for premiums from such business for the six months ending on the first day of June and December next preceding, and shall immediately pay the tax imposed by law on such assessments and premiums into the treasury. This tax shall be in addition to the license tax for the privilege of operating in this state.

Foreign insurance companies; when and what report shall make

52. If such company fail to make such report and pay such tax, the company and each agent shall be liable for the same, and each shall forfeit not less than five hundred dollars nor more than two thousand dollars.

Penalty

53. Every telegraph company doing business in this state, shall, on or before the first day of July and the first day of December of each year, make report, verified by the oath of the chief officer resident in the state, to the auditor of public accounts, of the net earnings of such company within the six months next preceding such semi-annual report on all business conducted, carried on, or performed by such company within the state. Such company shall also report on oath, on or before the first day of July, the value of all real and personal property owned by said company within the state. Every such company shall be the collector for the state of the taxes which may be imposed on the earnings and property of the same, and shall, with the reports herein provided for, pay into the treasury the taxes which may be prescribed. If any such company fail to make such return or pay such tax, it shall be liable to a fine of not less than five hundred nor more than two thousand dollars, which may be recoverable in the circuit court of Richmond on motion, after twenty days' notice, by the auditor of public accounts, such notice to be served in the manner prescribed by law in other cases.

Telegraph companies; their report

Company shall collect taxes

Penalty; where enforced

54. Where any incorporated company or person is engaged in more than one business, which is made by the provisions of this act subject to taxation, such incorporated company or person shall pay the tax provided by law on each branch of its or his business.

Where company is engaged in more than one business

55. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

56. This act shall be in force from its passage.

Commencement

CHAP. 190.—An ACT to Incorporate the Danville and Salem Railroad Company.

Approved July 7, 1870.

Commissioners
to receive sub-
scriptions to
Danville and
Salem railroad

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription in the town of Danville, under the direction of William T. Clark, John W. Holland, William T. Sutherlin, Thomas P. Atkinson, and Green T. Pace, or any two of them; at Calland's, in the county of Pittsylvania, under the direction of A. H. Moorman, W. W. Cobbs, W. A. Witcher, W. A. J. Finney, H. L. Muse, Samuel Swanson, Captain William A. Mitchell, Royal Cousins, or any two of them; at Dickinson's, in the county of Franklin, under the direction of F. R. Brown, S. G. Bernard, R. Dickinson, C. S. Booth, C. L. Potter, W. A. Brown, J. S. Brown, C. L. Powell, A. B. Hancock, Joseph Angle, J. R. Zeigler, J. A. White, W. W. Semones, B. Williams, S. D. English, B. H. Tatum, and W. L. T. Hopkins, or any two of them; at Franklin courthouse, under the direction of H. Nelson, R. A. Scott, P. Saunders, Jr., G. C. Menefee, E. Waid, J. Wade, Jr., W. T. Taliaferro, David Aynes, J. C. Cabell, G. W. B. Hale, G. H. T. Greer, J. H. Franklin, Hughs Dillard, T. H. Bernard, H. C. Chapman, Hay Turnbull, John S. Hale, or any two of them; at Boon's mill, in the county of Franklin, under the direction of L. B. Taylor, Z. Wade, M. D. L. Wright, J. Naff, C. Price, J. Boon, Jr., George Helms, and A. J. Naff, or any two of them; and at Salem, in the county of Roanoke, under the direction of H. E. Blair, A. M. Jordan, G. B. Board, R. B. Moorman, G. W. Hansbrough, S. H. Nowlin, J. A. McCaull, and S. P. Simmons, or any two of them; and in such other places, and under the direction of such other agent or agents, as a majority of the commissioners appointed for the town of Danville shall designate, for the purpose of receiving subscriptions to an amount not exceeding three million dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of constructing a railroad from the town of Danville, Virginia, by or near Rocky Mount, in Franklin county, to the town of Salem, in Roanoke county, or some other suitable point of connection with the Virginia and Tennessee railroad, in Roanoke county: providing, however, that the gauge of the said railroad shall be the same as that of the Virginia and Tennessee and Richmond and Danville railroads.

Capital

Shares

Route

Proviso

When corpora-
tion to begin

2. Whenever seventy-five thousand dollars of stock shall have been subscribed, according to law, the said incorporators, their executors, administrators, and assigns, shall be, and they are hereby declared to be, a body politic and corporate, under the name and style of The Danville and Salem Railroad Company, and shall be subject to all the provisions of the Code of Virginia, and other general laws applicable to internal improvement companies, except so far as the same may be inconsistent with the provisions of this act.

3. If the capital stock of the said company shall be deemed insufficient for the purposes of this act, it shall, and may be lawful for the directors, or a majority of them, from time to time, to increase the same by the addition of so many shares as they may deem necessary, to an extent not to exceed five million dollars, for which they may, at their discretion, cause subscriptions to be received in such manner as may be prescribed by them, or may sell the same, for the benefit of said company, for any sum not under the par value thereof; and the said directors, or a majority of them, shall, by and with the consent of the stockholders in general meeting assembled, have power to borrow money for the purposes of this act, to issue proper certificates of such loans, and to pledge the property of the company, by mortgage or otherwise, for the payment of the same and the interest which may accrue thereon: provided, the interest shall not exceed the rate of interest now allowed by law, say twelve per centum per annum.

Capital may be increased
Limit
In what manner subscriptions may be received
May borrow money and secure payment by mortgage, &c.

4. It shall be lawful for said company to receive not exceeding one million acres of land in payment for subscriptions of stock: provided, however, that it shall not be lawful for said company, at the expiration of ten years after the completion of said road, to hold more land than shall be necessary for the use of the road.

Amount of land received in subscriptions
Proviso

5. The said company shall not refuse to allow any railroad already built, or which may hereafter be built, to connect with its road, and shall jointly, with such other road or roads, make suitable arrangements for the convenient transfer of freights from one road to the other, and, when such road may be of the same gauge, shall not refuse a free interchange of freight cars upon reasonable terms; that, with the concurrence of such road or roads leading to Lynchburg, Richmond, Petersburg, or Norfolk, the freight tariff shall be so arranged that no local freight sent to or received from either of the above-named places, shall be charged a higher price per ton per mile than if sent to or received from Danville or Salem; and no through freight shall be charged a higher price per ton per mile if sent to either Richmond, Petersburg, or Norfolk, than if sent to Danville or Salem: provided, that such connecting road or roads shall agree to pro rate upon fair terms; and if the connecting companies shall not be able to agree upon such terms, the question shall be referred to the board of public works, and its decision shall be binding upon the parties.

Connection with other roads
Freight tariff
Through freight
Proviso

6. That the said company shall commence its road within two years and complete it within twelve years from the passage of this act, and upon failure to comply with either of the above requirements, it shall forfeit all the rights and privileges conferred by this act, and the state shall have the right to take possession of the road and other property of the company upon paying a fair price for the same.

Within what time road to be commenced and completed
Forfeiture of rights

7. This act shall be in force from its passage.

Commencement

CHAP. 191.—An ACT to Incorporate the Northern Neck Stock Association.

Approved July 8, 1870.

Northern Neck
Stock Association
Incorporated

1. Be it enacted by the general assembly of Virginia, That Thomas Brown, Robert M. Mayo, Henry A. Tayloe, Samuel R. Jackson, George F. Brown, John Murphy, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Northern Neck Stock Association, for the purpose of breeding, rearing, developing, and disseminating improved stock in the Northern Neck of Virginia; and are hereby invested with all the privileges and powers conferred on such bodies politic and corporate, and subject to all the restrictions and limitations contained in the Code of Virginia in relation to joint stock companies.

Commissioners

2. Thomas Brown, Robert M. Mayo, Henry A. Tayloe, Samuel R. Jackson, George F. Brown, and John Murphy are hereby appointed commissioners, any three of whom may act, to open books of subscription for the capital stock of said association at such times and places as they may designate.

Capital

3. The capital stock of said association shall not be less than two thousand dollars nor more than three hundred thousand dollars, to be divided into shares of twenty dollars each; and the said association shall have the right to purchase and hold land not exceeding one thousand acres at any one time.

Shares

May borrow
money

4. That the said association be and the same is hereby authorized to borrow money, not exceeding five thousand dollars at one time, on the security of its property, at such rate of interest as may be agreed upon.

Commence-
ment, &c.

5. This act shall be in force from its passage, and shall be subject to any amendment, alteration, or modification at the pleasure of the general assembly.

CHAP. 192.—An ACT for the Renewal of the Guaranty of the State on Certain Bonds of the Town of Petersburg, issued in aid of the Construction of the Southside Railroad.

Approved July 8, 1870.

Preamble

Whereas, the general assembly of Virginia, by an act passed January twenty-sixth, eighteen hundred and fifty, did enact that the treasurer of the commonwealth should, when thereunto requested, and upon certain conditions in said act specified, subscribe or endorse the guaranty of the state on certain bonds of the town of Petersburg, to an amount not exceeding three hundred and twenty-three thousand five hundred dollars, to be used in the construction of the Southside railroad; and whereas, such guaranty was made in due form on bonds to the said amount, one-half of which were made payable on the first day of August, eighteen hundred and seventy, and the residue on the first day of August, eighteen hundred and seventy-five; and whereas, the common council of the city of

Petersburg have, for the purpose of renewing said bonds as they fall due, prayed the general assembly to renew the endorsement of the state on the same:

1. Be it enacted by the general assembly of Virginia, That the treasurer of the commonwealth is hereby authorized and required to subscribe or endorse the guaranty of the commonwealth in the manner and form prescribed in the aforesaid act of January twenty-sixth, eighteen hundred and fifty, upon any bonds executed by the city of Petersburg on renewal and in lieu of the guaranteed bonds provided by the said act and hereinbefore described, whenever he shall be thereunto requested by the common council or other proper authority of the said city of Petersburg: provided, however, that the said guaranty shall not be subscribed or endorsed on any bond until the treasurer shall be satisfied that it is in renewal of a bond or bonds heretofore guaranteed under the said act of January twenty-sixth, eighteen hundred and fifty, and until he shall be further satisfied that the bond, in renewal of which, the bond presented for his endorsement or subscription, as herein provided is issued, has been or will be cancelled: provided further, that the new bonds, so guaranteed as herein provided, shall not be in the aggregate for a larger amount or higher rate of interest than the aggregate amount or the rate of interest of the bonds in whose stead they are given: provided further, that the common council of the city of Petersburg may prescribe at what periods the said bonds given in renewal of the bond heretofore guaranteed shall be made payable: and provided further, that the commonwealth shall retain the benefit of all indemnity or security heretofore given by the city of Petersburg or town of Petersburg, applicable to the bonds guaranteed under the aforesaid act of January twenty-sixth, eighteen hundred and fifty, and the said indemnity or security shall, in such form as the board of public works may prescribe, be made applicable to the guaranty herein provided for.

Treasurer to endorse the guaranty of the state upon the bonds

Proviso

Proviso

Proviso

Proviso

2. This act shall be in force from its passage.

Commencement

CHAP. 193.—An ACT to Amend and Re-enact Section Thirteen, Chapter One Hundred and Eighty-Five of the Code of Virginia, edition of eighteen hundred and sixty.

Approved July 8, 1870.

1. Be it enacted by the general assembly, That section thirteen, chapter one hundred and eighty-five of the Code, edition of eighteen hundred and sixty, be amended and re-enacted so as to read as follows, viz:

Code of Va., chap. 185, § 13, amended, as to attorney's fee taxed in costs

"§ 13. He shall include in the costs, for the fee of such party's attorney (if he have one):

"In a circuit, county, or corporation court, unless it be a case of judgment by default, on a forthcoming bond, or a case otherwise provided for, two dollars and fifty cents.

"In a county or corporation court, where it is a complaint of unlawful entry and detainer, or an action of ejectment, five dollars.

"In a case of the commonwealth, if no higher fee be allowed, five dollars.

"In a circuit court, in an action of ejectment, or on a writ of error or supersedeas, or an appeal (other than a chancery case), five dollars.

"In a chancery case (other than a motion) in a circuit court, whether as a court of original or appellate jurisdiction; and in a chancery case (other than a motion) in a county or corporation court, fifteen dollars.

"In the court of appeals, twenty dollars."

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 194.—An ACT to Incorporate the Pamunkey River Internal Improvement Company.

Approved July 8, 1870.

Pamunkey
River Internal
Improvement
Company
Incorporated

1. Be it enacted by the general assembly, That William S. R. Brockenbrough, Thomas E. Ballard, George W. Pollard, James N. Eubank, D. B. Benson, Pulaski Sutton, S. R. Jeter, W. E. Luck, and James S. Benson, and such other persons as they may associate with them, be and they are hereby declared to be a body politic and corporate, under the name and style of The Pamunkey River Internal Improvement Company, and by that name and style may sue and be sued, plead and be impleaded, in all the courts of law and equity of this state.

Capital

2. The capital stock of said company shall be limited to a minimum of five thousand dollars, and a maximum of fifty thousand dollars.

Object of corpo-
ration

3. The object of said corporation shall be, and they are hereby authorized, to open and improve the Pamunkey river for navigation from Wormly landing, in King William county, to the junction of the North and South Anna rivers, in Hanover county, and to construct and own vessels for the purpose of navigating the same; and all the powers and privileges necessary to enable them to complete the said improvement, not inconsistent with the laws of this state, are hereby granted to the said corporators as soon as the minimum capital stock herein prescribed shall have been taken and the company organized in accordance with the general law of the state; and the said company, when thus organized, shall have the exclusive right to navigate the said Pamunkey river, between the points named in this charter, for the period of ten years from the completion of the said work: provided, that nothing herein contained shall prevent the construction of any bridges across the said river between the said points which may be necessary for the purposes of continuing any public road; and provided further, that the construction of such bridges do not obstruct the passage of boats up and down said river.

Exclusive right
of navigation

Proviso

4. Be it further enacted, That two years are allowed the said parties in which to commence, and five years in which to complete the said improvement. Within what period company to begin and complete work

5. This act shall be in force from its passage, and shall be subject to all the general laws of the state in regard to such corporations. Commencement

CHAP. 196—An ACT to Amend an Act to Incorporate the Norfolk City Railroad Company.

Approved July 8, 1870.

1. Be it enacted by the general assembly, That the second section of the act to incorporate the Norfolk City Railroad Company, passed the fourth day of January, Anno Domini, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows: Charter of Norfolk City Railroad Company amended

"§ 2. That it shall be lawful for said company to lay out, construct, and equip, maintain and operate with horse or mule power, a single or double track railroad in the city of Norfolk throughout the entire length of Main street, down Market square to the ferry wharf, up Church street to the fair grounds in Norfolk county; and also through such other streets or parts of streets in said city as the directors may determine; and also to such other points in the counties of Norfolk and Princess Anne, not exceeding twenty miles in length from the limits of the city of Norfolk, with single or double track, and to be operated with horse, mule, or steam power: provided, that before such work shall be commenced in said city, the consent of the council of said city shall be obtained thereto."

2. That the fourth section of said act be amended and re-enacted so as to read as follows:

"§ 4. That it shall be lawful for said company to transport passengers, freight, and baggage over said road or roads hereby authorized to be constructed, and to collect fare and tolls for the same, not exceeding the sum of ten cents for passage to and from any point within the limits of the city, and the like sum for packages and bundles occupying the space of a passenger within the said limits, and that the rates of fare and freight outside of the city limits, shall not exceed those provided for by sections nineteen and twenty of chapter sixty-one of the Code of Virginia, edition of eighteen hundred and sixty."

3. That the fifth section of said act be amended and re-enacted so as to read as follows:

"§ 5. That it shall be lawful for said company to create and issue its capital stock to an amount not exceeding four hundred thousand dollars in shares of fifty dollars each, and also to borrow money upon its bonds secured by mortgage or deed of trust upon its property and franchises to an amount not exceeding four hundred thousand dollars."

4. That the seventh section of said act be amended and re-enacted so as to read as follows :

§ 7. That it shall be lawful for said company for the purpose of constructing, equipping, and operating said railroad, to sell their bonds, with coupons attached, at a rate of interest not exceeding ten per centum per annum, to be paid semi-annually, to the amount of four hundred thousand dollars, and to lease their road to any person or persons, or domestic or foreign corporation; any of which corporations shall have power to subscribe to the stock of said companies."

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 196.—An ACT to Incorporate the West Point and Hanover Junction Railroad Company.

Approved July 8, 1870.

West Point and
Hanover Junc-
tion Railroad
Company
Incorporated

1. Be it enacted by the general assembly of Virginia, That G. A. Wallace, John B. Davis, and P. H. Aylett, of Richmond; Thomas Doswell, and Theodore Garnett, of Hanover; R. O. Peatross, W. R. B. Wyatt, of Caroline; James G. White, B. B. Douglas, Robert S. Ryland, William D. Pollard, William M. Stehley, William S. Wood, B. Richards, Roger Gregory, Carmin S. Garrett, Larkin S. Garrett, Fleming Meredith, William R. Aylett, John Halderman, C. J. Hill, and James F. New, of King William; Joseph Ryland, Thomas B. Henly, William F. Bland, and E. B. Montague, of King and Queen; John T. Sewell, J. N. Stubbs, J. W. C. Catlett, J. B. Brown, and John P. Tabb, of Gloucester; and S. T. Charlton, of Harrisburg, Pennsylvania, their associates and successors, be and they are hereby incorporated and made a body politic and corporate, by the name and designation of The West Point and Hanover Junction Railroad Company, for the purpose of building, equipping, and operating a railroad from the junction of the Chesapeake and Ohio and Richmond, Fredericksburg and Potomac railroads, in Hanover, to Deep Water at West Point, in King William county.

Corporate
powers

2. That said company, when fully organized, shall have a common seal, sue and be sued by its corporate name, and be otherwise invested with all the powers, rights, and privileges, and subject to all the duties, restrictions, and responsibilities imposed by the laws of Virginia on railroad companies.

Capital
Shares
Increase of
capital

3. That the capital stock of said company shall not, except as hereinafter provided, exceed one million dollars, to be divided into shares of one hundred dollars each; but said company shall, if found necessary to complete, fully equip, and put their road in operation, have power to issue its bonds and secure the same by mortgage on its property and franchise to the further amount of one million dollars: provided, that no greater interest than ten per centum shall be stipulated to be paid thereon, nor said bonds disposed of for less than eighty per centum of their face or par value.

Proviso

4. That said company may receive subscriptions to its stock in both real and personal estate other than money; but all real estate so received shall be disposed of within ten years from the completion of the road; and thereafter said company shall not acquire or hold any more land or other real estate than shall be absolutely necessary for its use in the location and erection of depots, station houses, shops, and wharves, with the usual breadth of land allowed along its road bed; and all personal estate received as subscription for stock shall be disposed of within twelve months after acceptance thereof by the company, and the proceeds applied in the same way as if the original subscription had been in money.

May receive subscriptions in land and personal estate; how disposed of

Personal estate; how disposed of

5. That said company, after said road is completed, may, with the concurrence of two-thirds of all the stock in a general meeting of the stockholders, called for the purpose and advertised for thirty days in one or more newspapers published nearest to West Point, increase its capital stock to the further amount of one million dollars, to be divided as hereinbefore provided, to be employed in building, purchasing, or chartering, and running vessels, propelled either by sail or steam, from its terminus at West Point to any part or parts within the capes of Virginia, or on the Atlantic coast of the United States.

Capital stock; how increased; and how increased amount to be employed

6. That said company may organize under this charter so soon as one hundred thousand dollars have been subscribed, and ten thousand dollars actually paid up on subscriptions to its stock and deposited in some bank or banking house in the city of Richmond to its use and credit: provided, that said company shall organize within one year from the passage of this act, and shall, with three years from such organization, commence and finish their road so as to be ready for the rolling stock, or, at the pleasure of the general assembly, forfeit the rights, privileges, and franchises hereby granted.

When company may organize

Proviso

7. That within thirty days from the passage of this act, the corporators herein named, or a majority of them, may assemble at West Point, in King William county, and arrange such plans, and adopt such rules and regulations, for the temporary management of the affairs of the company to be organized under this act, as may be deemed necessary: such as specifying times and places for opening books of subscription and appointing commissioners therefor, employing agents to solicit subscriptions to stock, attorneys to draw all necessary conveyances, and whatever else may be found convenient or needful to facilitate the organization of the company, not inconsistent with the general railroad law.

When corporators may assemble, &c.

8. That when the requisite amount of stock has been subscribed for and paid in, the commissioners provided for in the preceding section, or a majority of them, shall call a meeting of stockholders at West Point, and if a majority be present, in person or by proxy, they shall immediately proceed to adopt such by-laws and rules for the organization and government of the company as may be deemed best and not inconsistent with the laws of Virginia relating to corporations of this sort;

Meeting of stockholders

Board of public works to be informed of completion of organization

Certain counties authorized to subscribe; amount of subscription

Voting

Commencement

and when said organization shall be completed, the fact shall be officially communicated to the board of public works by such officer or officers, temporary or regular, as may, by the meeting of stockholders aforesaid, be designated.

9. That the counties of King William and King and Queen are hereby authorized, in the manner and under the rules and regulations prescribed by the Code, to subscribe to the capital stock of said company, each, an amount not exceeding one hundred thousand dollars, and to issue bonds in such form, running such lengths of time, and bearing such rates of interest, and payable at such periods and places, as the county courts of said counties may determine.

10. In all meetings of the stockholders of the said company, those only shall be allowed to vote who have complied with the terms of subscription, and each share of stock shall entitle the holder to one vote.

11. This act shall be in force from its passage.

CHAP. 197.—An ACT to Amend and Re-enact the First Section of an Act passed February 23, 1867, entitled an Act to Incorporate the Shenandoah Valley Railroad Company.

Approved July 8, 1870.

Charter of Shenandoah Valley Railroad Company amended

§ 1

1. Be it enacted by the general assembly of Virginia, That the first section of an act passed February twenty-third, eighteen hundred and sixty-seven, entitled an act to incorporate the Shenandoah Valley Railroad Company, be amended and re-enacted so as to read as follows:

"§ 1. It shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Shenandoah Valley Railroad Company, for the purpose of constructing a railroad from the town of Harper's Ferry, in the county of Jefferson, or some other point on the Potomac river, through the counties of Warren, Page, Rockingham, and Augusta, to a point on the southern boundary of the state of Virginia, between Bristol-Goodson and the western line of the state, to be selected by the said company, with the privilege of building a branch road from some suitable point on the said road to Harrisonburg, in Rockingham county; also a branch from some suitable point on said road via Standardsville, in the county of Greene, to Gordonsville, in the county of Orange; also a branch from some suitable point on said road to Lexington, in the county of Rockbridge; also a branch from some suitable point on said road by or near the town of Salem, in the county of Roanoke, to Danville. When the said company shall have completed and equipped their said road from the town of Harper's Ferry, in the county of Jefferson, or some other point on the Potomac river for the distance of twenty miles, they are hereby authorized to work the same as if entirely finished.

"The following persons are appointed commissioners to receive such subscriptions, namely: Peter B. Borst, William Milnes, Jr., Benjamin F. Grayson, and John W. Ashby, to open books and receive subscriptions at Luray, in the county of Page; S. A. Coffman, Henry Farrar, A. M. Newman, John T. Harris, and John E. Roller, to open books and receive subscriptions at Harrisonburg, in the county of Rockingham; William M. Buck, Thomas N. Ashby, Robert H. Turner, Samuel W. Thomas, and Smith S. Turner, to open books and receive subscriptions at Front Royal, in the county of Warren; Loyd Logan, Henry M. Brent, James H. Williams, to open books and receive subscriptions at Winchester, in the county of Frederick; David H. McGuire, William N. Nelson, David Meade, W. W. Arnett, William D. Smith, to open books and receive subscriptions at Berryville, in the county of Clarke; Nicholas K. Trout, Michael G. Harman, George Baylor, A. H. H. Stuart, to open books and receive subscriptions at Staunton, in the county of Augusta; John S. Wilson, William D. Couch, and Alphonso Finney, to open books and receive subscriptions at Buchanan, in the county of Botetourt; W. E. M. Word, T. J. Goodwin, and W. A. Glasgow, to open books and receive subscriptions at Fincastle, in the county of Botetourt; Wm. White, J. McD. Taylor, and Jas. Compton, to open books and receive subscriptions at Lexington, in the county of Rockbridge; G. W. Hansbrough, H. S. Blair, G. B. Board, A. M. Jordan, and G. W. Shanks, to open books and receive subscriptions at Salem, in the county of Roanoke; John B. White, George J. Stephens, Wyatt S. Beazley, James F. Affield, and William T. Sims, to open books and receive subscriptions at Stanardsville, in the county of Greene. A majority of the commissioners appointed at each place, respectively, may act as if above named. The commissioners appointed for Luray, or a majority of them, shall be permitted to open books of subscription themselves, or through their agents, at any point to be selected by them. The directors elected by the stockholders of said company shall not exceed fifteen in number."

2. This act shall be in force from its passage.

Commencement

CHAP. 198.—An ACT to Incorporate the Virginia Warehousing and Guaranty Company.

Approved July 8, 1870.

1. Be it enacted by the general assembly of Virginia, That S. C. Tardy, Samuel Wortham, Franklin Stearns, Thomas S. Baldwin, William H. Rossell, S. M. Dickinson, and Richard F. Stevens, and their associates, successors, and assigns, be and they are hereby created a body politic and corporate, in fact and in law, by the name of The Virginia Warehousing and Guaranty Company, and by that name may sue and be sued, plead and be impleaded, and by that name may exercise and enjoy all the rights and powers granted by this act.

Virginia Warehousing and Guaranty Company incorporated

Capital; how
increased

When company
may organize

Shares

Board of trust-
ees

President, vice-
president, and
executive com-
mittee; their
powers and
duties

Proviso

2. And be it enacted, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to a sum not exceeding five hundred thousand dollars, by a vote of the board of trustees of said company; and as soon as twenty thousand dollars of said stock shall have been subscribed, and ten per centum of the same paid in cash, it shall be lawful for said company to organize and proceed to business, as provided for in the third section of this act; that the said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as shall be provided in the by-laws.

3. And be it enacted, That the stock, property, and affairs of said company shall be managed by a board of trustees of seven persons, who shall all be stockholders, and a majority of whom shall be residents of this state. Vacancies may be filled by the remaining trustees. A majority of the trustees for the time being shall constitute a quorum for the transaction of all business. The first board of trustees shall consist of the persons named in the first section of this act, who shall hold office until the first day of June, eighteen hundred and seventy-one, and until others are chosen in their places, and who shall have power to organize said company by the appointment of officers and adoption of by-laws, and to proceed to business under this act; and may also fill any vacancies in their number arising from death or any other cause.

4. And be it enacted, That the board of trustees shall appoint one of their number to be president; and they may, at their pleasure, appoint a vice-president and an executive committee, who shall, when the board of trustees are not in session, have, possess, and enjoy all the powers and duties conferred on said trustees by this act, and may appoint such other officers and agents as they may deem necessary for the transaction of the business of the company, and may, at pleasure, remove any officer or agent in such manner as the by-laws shall provide; and they may, from time to time, make and establish such by-laws, rules, and regulations, as they shall deem expedient touching the government of said company, the management of its property and effects, the transfer of shares of its capital stock, the duties and conduct of its officers and agents and their salaries and compensations, the manner and time of holding elections and meetings of its trustees or executive committee, and all matters which may appertain to the concerns, property, business, and welfare of said company: provided, that the said by-laws shall not conflict with the constitution or with the laws of this state, or with the provisions of this act, and declare dividends from the profits of said company; and said trustees may receive subscriptions to the capital stock of said company, and may require payment of the same at such times and in such instalments as they may deem proper; and the board of trustees may, from time to time, fix the number of trustees: provided, the same shall not be less than seven or more than thirteen.

5. And be it enacted, That it shall be lawful for the corporation hereby created, to lease, purchase, hold, and convey all such real and personal estate as they may deem necessary and convenient for carrying on the business of storing, warehousing, and lighterage, and may erect warehouses and other edifices, docks, elevators, and wharves thereon, and may rent and hire out such of their edifices, docks, wharves, lighters, and other vessels as they see fit, and may receive on storage or deposit any goods, wares, merchandise, or other kinds of personal property for safe-keeping or shipment, and to transact and carry on all kinds of business usually transacted by warehousemen and lightermen, and to collect and receive compensation for storage, dockage, wharfage, and lighterage for the use of their warehouses, docks, wharves, quays, and the elevators and machinery connected therewith, or the lighters employed or owned by them, together with the charges and expenses for labor or otherwise, in the receipt, delivery, or custody of goods, wares, or merchandise, received by or stored with said company, at such rates and on such terms as may be agreed upon in any contract made between any owner, depositor, or shipper and this corporation, and all said charges and expenses above specified, shall be a lien, and said lien may be enforced by a sale thereof, in the same manner hereinafter specified for the collection and reimbursement to this company of advances, interest, commissions, and expenses made by them on the pledge of any real or personal property.

Business

6. And be it enacted, That it shall be lawful for said company to guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, and certificates of value upon such terms and commissions as may be established by said company, and the said company may receive upon storage, deposit, pledge, or otherwise, merchandise, money, bullion, specie, plate, stocks, bonds, mortgages, promissory notes, bills of exchange, certificates and evidences of debt, warehouse receipts, bills of lading, policies of insurance, contracts, or other property, and to take the management, custody, and charge of the same, and of all other real or personal property and estate, and to advance moneys, securities, and credits upon the same at such rates of interest, not exceeding the legal rates, and upon such terms and commissions as may be contracted for and established by said company, and said company may make, issue, and execute, in the transaction of their business, all necessary receipts, certificates, and instruments, either with or without their corporate seal, and the same shall be signed by such officer or officers of the company as shall be prescribed by the by-laws.

Guarantee payment of notes, &c.

May receive upon storage, deposit, pledge, &c., money, bullion, specie, plate, &c.

May loan money

May issue necessary receipts, certificates, &c.

7. And be it enacted, That it shall be lawful for the said company to lease, purchase, hold, mortgage, or convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other pro-

Control over real estate

erty, as they may determine that the interest of the company may require.

How and when
company may
sell property
embraced in
contracts with
them

8. And be it enacted, That it shall be lawful for said company to sell at public auction or at private sale, as may be specified in any contract between the parties, all property, of what kind soever mentioned in or affected by such contracts, after one month shall have elapsed from the time of the maturity of any obligations under such contract (or immediately upon the discovery of any fraud, misrepresentation, or concealment in regard to the ownership or character of the property mentioned in or affected by such contract), and reimburse themselves out of the proceeds of such sale, for the moneys due them with the interest, costs, and charges: provided, however, that nothing in this section contained shall be construed to prevent the said company from making any such sale at such earlier time and in such manner as may be provided for in any contract or agreement made by any person or persons with said company.

Proviso

Where property
deposited with
them decreases
in value

9. And be it enacted, That it shall be lawful for said company in case any property deposited with them upon which any advance shall have been made by them, shall, before the maturity of the contract, from any cause decrease in value from the price originally fixed, to give notice in writing to the depositor of said property or his agent to perform the conditions of the contract, or make good the deficiency caused by such decrease in value within ten days, and in default thereof may sell and dispose of such property at public or private sale, and out of the proceeds thereof may retain the amount due them under the contract, together with the costs, interest, and charges; but nothing in this act shall be held or construed to limit or affect the liability or obligations of the corporation, hereby created, as the same is fixed by common law or by statute any further than the same is limited or affected by the express terms of the contract in this section mentioned, or to prevent said company from selling such property in such manner and on such notice as may be agreed upon in such contract, and that said notice may be given personally or by mailing the same prepaid, directed to the depositor or his agent at his usual or last known residence or place of business.

Liability of com-
pany as at com-
mon law, &c.

Notice; how
given

How company
may borrow
money

10. And be it enacted, That it shall be lawful for said company, from time to time, to borrow such sums of money as may be necessary to carry out the purposes of this act, and may issue and dispose of their promissory notes or bonds for the amount so borrowed, and they may mortgage any part of their corporate property or franchises to secure the payment of such bonds.

May receive
money on de-
posit, and allow
interest

11. And be it enacted, That it shall be lawful for said company to receive moneys on deposit, and allow such legal interest thereon as may be agreed upon with the depositors.

May receive
property, real or
personal, in
trust

12. And be it enacted, That it shall be lawful for said company to receive moneys, securities, evidences of debt, and all other property, real or personal, in trust, and to accumulate the same at such rates of interest as may be obtained or agreed

upon, or to allow such interest thereon as may be agreed upon, not exceeding in either case the legal rate.

13. And be it enacted, That it shall be lawful for said company to accept and execute all trusts of every description as may be committed to them by any person or persons whatsoever, or by any corporation, or may be committed or transferred to them by order of any court of record or any office of this or any other state.

May accept and execute all trusts

14. And be it enacted, That nothing in this act shall be construed to authorize said company to issue any notes or bills for circulation as money.

Company not to issue notes or bills as money

15. This act shall be subject to all general laws now in force, or which may be hereafter passed, concerning similar incorporations not inconsistent with its provisions.

Company subject to general laws not inconsistent with this act
Commencement

16. This act shall be in force from its passage.

CHAP. 199.—An ACT for the Relief of the Bank of Commerce, at Fredericksburg.

Approved July 8, 1870.

Whereas, it appears by the books of the commonwealth that on the first day of September, eighteen hundred and sixty-five, there was to the credit of the Bank of Commerce one hundred and twelve thousand eight hundred dollars of the public securities of this state in the hands of the state treasurer as trustee for the redemption of the countersigned notes of the said Bank of Commerce; and whereas, it appears by the same authority, that there remains of said securities but nine thousand one hundred and ninety dollars belonging to the said Bank of Commerce, which exceeds by sixty dollars the total amount of the countersigned notes of the said Bank of Commerce outstanding at this date; and whereas, the said Bank of Commerce is now and has been for several years in a process of liquidation, with ample means to discharge all its liabilities, including the balance of outstanding countersigned notes issued by it, a large portion of which are believed to have been lost or destroyed during the war; and whereas, it seems reasonable to the general assembly that some period shall be fixed after which it may be lawful for the said bank to divide its assets amongst the stockholders:

Preamble

1. Therefore be it enacted by the general assembly of Virginia, That it shall be lawful for the Bank of Commerce, at Fredericksburg, by advertisements to be published weekly in two or more newspapers of this state, and some newspaper published in the city of Baltimore, for the period of six months, to require the holders of its countersigned notes to present the same for redemption, at par, at the office of the said bank at Fredericksburg. And at the expiration of six months, after due publication as aforesaid, all of the countersigned notes of the said bank, which shall not have been so presented for redemption, are hereby declared barred by lapse of time, and

Bank of Commerce, at Fredericksburg, to notify holders of its countersigned notes by publication

Notes not presented within six months after such notice, to be barred

the obligations of the said bank and its stockholders to redeem the same are hereby declared extinguished and released.

Duty of state
treasurer after
said period

2. Be it further enacted, That at the expiration of said period of six months, after due publication as aforesaid, the treasurer of this state be and he is hereby authorized and required, when satisfactory evidence shall be produced to him that the notice by publication, as required by the preceding section of this act, has been fully complied with, to re-transfer and deliver to the said Bank of Commerce, or its legal representatives, all the public securities of this state remaining in his hands, which were deposited by the said Bank of Commerce.

State to be dis-
charged from all
liability to note-
holders

3. Be it further enacted, That upon compliance with the provisions of this act, the state shall be released and discharged from all liability as trustee for the note-holders of the countersigned notes of the said Bank of Commerce, as provided for by the charter thereof granted on the twenty-ninth of March, eighteen hundred and fifty-one.

Commence-
ment

4. Be it further enacted, This act shall be in force from its passage.

CHAP. 200.—An ACT to Incorporate the Stony Run Turnpike Company.

Approved July 8, 1870.

Books of sub-
scription for
Stony Run
Turnpike
Company

1. Be it enacted by the general assembly, That it shall be lawful to open books, under the direction of George V. Brown, George M. Fleck, Elijah Baker, S. L. Annable, John E. Friend, H. B. Burnham, and Jacob J. Reynolds, and such other person or persons as any three of the above named persons may appoint, and at such time and place as they may select, for the purpose of receiving subscriptions to a joint capital stock, not exceeding in the whole one hundred thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of constructing a turnpike road from the limits of the city of Richmond, near Twenty-fifth and Venable streets, to the new bridge on the Chickahominy river, in Henrico county, with the privilege of constructing, as feeders to said turnpike, two lateral roads, one of which shall commence on the said main turnpike at battery number five, and run to Stony run creek; and the other of said lateral roads shall commence on said main turnpike road at Doctor Garnett's corner, and run to the Seven Pines, in Henrico county.

When com-
pany's corporate
powers to begin

2. When twenty thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns shall be and they are hereby incorporated into a company by the name and style of The Stony Run Turnpike Company, subject to the provisions of chapters fifty-six and sixty-one of the Code of Virginia (edition of eighteen hundred and sixty), except so far as modified by this act.

Width of road

3. The width of said road shall not be less than twenty feet, exclusive of side ditches; and its grade shall nowhere exceed five degrees to the mile.

4. The said company shall have the privilege of making the said road, or any part thereof, with gravel, rock, sand, or any other material which will maintain a good road, in all seasons of the year, as to them shall seem most expedient; of erecting gates and charging tolls, according to law, on any section of the said road, five miles in length, so soon as such section shall be completed; and the said company shall, in addition to the privileges hereinbefore conferred, be and they are hereby authorized to erect gates and charge tolls, according to law, so soon as the said road is completed from Richmond to the place known as High Meadow.

Road; how made

Tolls

5. The said company, in constructing said turnpike, with its branches or lateral roads, as aforesaid, shall have the right to construct the same upon the bed of the old public road known as the Nine-mile road, and in like manner to use the bed of any other public road which may lie along the prescribed route of said turnpike or its lateral roads or branches: provided, however, that before the bed of any such public road shall be used by said company, as herein provided, the consent of the county court, which shall be entered of record, shall be obtained thereto.

Company may use beds of old public roads

Proviso

6. The said main turnpike road, from Richmond to the new bridge, shall be completed within five years from the organization of the company; and if not so completed within the said five years, then the right of the company to collect tolls upon the said turnpike shall be suspended until the said turnpike is completed.

When road to be completed

7. This act shall be in force from its passage.

Commencement

CHAP. 201.—An ACT Amending Section Twelve, Chapter One Hundred and Eighty-Four of the Code, relating to Printing Records in Court of Appeals.

Approved July 8, 1870.

1. Be it enacted by the general assembly, That the act passed on the fourteenth day of February, eighteen hundred and sixty-seven, entitled an act to re-enact and amend section twelve of chapter one hundred and eighty-four of the Code of eighteen hundred and sixty, in relation to the printing of the records in the district courts and court of appeals, be repealed.

Act passed 14th February, 1867, amending Code in relation to printing records, repealed

2. That the twelfth section of chapter one hundred and eighty-four of the Code of eighteen hundred and sixty, concerning fees and costs, be amended and re-enacted so as to read as follows:

Code of Va., chap. 184, § 12, amended

“§ 12. The same fees as the clerk of the circuit court for similar services. In every case wherein printing is done under the twenty-eighth section of chapter one hundred and eighty-second, the clerks of the courts of appeals shall charge, in such case, to the appellants, or plaintiffs in error, the cost of printing the record, which shall be paid or secured to be paid to the clerk before the case is tried: provided, that if said costs be not paid

Proviso

Clerk may
charge for copy
of record

on or before the first day of the second term of the court (after the appeal is allowed) in which the case is docketed, the appeal shall be dismissed. Which costs, so paid or secured to be paid, shall be recovered by the party substantially prevailing. The clerk shall account for and pay into the treasury of the state the amount taxed for printing the record; but nothing in this section shall be construed so as to deprive the clerk of the right to charge for a copy of the record in a proper case."

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 202.—An ACT Amending the First Section of an Act passed February 28, 1867, entitled an Act Continuing the Payment of Interest and Dividends to the Incorporated Colleges and other Seminaries of Learning in this State.

Approved July 9, 1870.

Act of February
23, 1867, § 1,
amended, with
regard to in-
terest and divi-
dends to col-
leges, &c.

1. Be it enacted by the general assembly, That the first section of the act passed February twenty-third, eighteen hundred and sixty-seven, entitled an act continuing the payment of interest and dividends to the incorporated colleges and other seminaries of learning of the state, be amended and re-enacted so as to read henceforth as follows:

§ 1

"§ 1. That the second auditor be and is hereby authorized and directed, until otherwise ordered, to draw on the public treasury, in favor of the proper authorities of any incorporated college or other seminary of learning, for the interest which has accrued or which may hereafter accrue upon any bonds of the commonwealth or bonds of the James river and Kanawha company, guaranteed by the commonwealth, now held by or for such college or seminary of learning; and also for the dividends on the stock of the old James river company, due and payable, or which may hereafter become due and payable by the commonwealth to such colleges and seminaries of learning; and also for such interest and dividends heretofore or hereafter accruing in favor of trustees who hold such bonds or stocks, the interest or dividends on which are to be applied to the use and benefit of any such college or other seminary of learning, or any department thereof: provided, that the interest or dividends shall not be paid on any bonds, the payment of which is forbidden by the constitution."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 203.—An ACT to amend an act Establishing District Free Schools in the county of King George, passed March 8th, 1849, and amended by an act passed February 28th, 1866.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That the board of school commissioners of the county of King George be and is hereby allowed to dispense with such parts of the act establishing district free schools for the county of King George, passed March eighth, eighteen hundred and forty-nine, as cannot be executed in the present impoverished condition of said county, or under the provisions of the present constitution; and that it be and is hereby authorized to use such funds as are under its control, as it has done in the past two years, as it shall deem best fitted to promote the education of indigent children of said county, and to continue thus to exercise its powers until it be superseded by the school system hereafter to be established.

School commissioners of King George authorized to dispense with certain statutes

Funds under their control; how used

2. This act shall be in force from its passage.

Commencement

CHAP. 204.—An ACT to Amend the Charter of the Virginia International Land, Loan, and Trust Company.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for The Virginia International Land, Loan, and Trust Company to increase the number of its board of directors by the election of as many additional members from amongst the stockholders as the said company may from time to time deem expedient. Not less than five members, including the president and vice-president, shall constitute a quorum of the board of directors. When the full board of directors shall consist of nine or more members, they shall be divided as equally as may be into three classes. The term of office of the first class shall be one year; of the second class, two years; and of the third class, three years. The term of office of any director shall be until his successor is elected. Vacancies occurring in the board may be filled by the board at any of its meetings.

Charter of Virginia International Land, Loan, and Trust Company, incorporated

2. This act shall be in force from its passage, and shall become a part of the charter of said Virginia International Land, Loan, and Trust Company, when accepted by a majority of the stockholders thereof in general meeting assembled.

Commencement

CHAP. 205.—An ACT Amending the Charter of the Town of Harrisonburg, in the county of Rockingham, and Enlarging and Extending the Corporate Limits of said Town.

Approved July 9, 1870.

Corporation
limits of Har-
risonburg

1. Be it enacted by the general assembly of Virginia, That the corporate limits of the town of Harrisonburg, in the county of Rockingham, as heretofore established by law, are hereby extended, re-arranged, and established as by a plat and survey of said town, reported to the council thereof, as made by John H. Ralston, surveyor of Rockingham county, on the fourteenth day of February, eighteen hundred and sixty-eight, with the following metes and bounds, viz: Beginning at a fence-post in Sullivan and Leskey's line, N. 4 E. $4\frac{1}{2}$ poles from the N. E. corner of Thomas Swanson's house; thence N. $12\frac{1}{2}$ E. 228 poles, passing through Hill-top farm, east of the buildings, to a cherry tree on the line between Hill-top and P. Leggett's land; thence N. $55\frac{1}{2}$ W. 185 poles, crossing the Valley turnpike to a large white oak, M. Harvey Effinger's corner, N. W. of Yeakle's house; thence with Effinger's line N. 45 W. 55 poles to the corner of the stone fence on the east side of the Kratzer road; thence with the said stone fence S. 27 W. $83\frac{1}{2}$ poles, crossing the railroad and the Kratzer road to a sycamore tree by D. S. Jones' fence, on the west side of the road; thence S. 75 W. 211 poles, crossing the Harrison road, and passing north of the Waterman house to two rocks in the hollow (N. 85 W. from the west corner of said house); thence S. 20 W. 380 poles, passing west of J. Miller's to a spring and four white-oaks in Ryle's field, west of the brick house; thence S. $37\frac{1}{2}$ E. 161 poles, crossing the Warm Springs and Valley turnpikes to the end of the stone fence at the west corner of Dr. Newman's field, and at the toll-gate; thence with the fence on the east side of the Port Republic road, S. 30 E. 81 poles to a white-oak on the top of the hill; thence N. 52 E. 347 poles, passing through the lands of Dr. Newman and Isaac Paul to a walnut in Paul's field, about one pole from the line fence between said Paul and Henry Ott; thence N. 62 E. 230 poles, crossing the Rockingham turnpike to the beginning, embracing one thousand four hundred and fifty acres.

Municipal
authorities

2. The municipal authorities of said town shall be a mayor, a recorder, and nine councilmen, who, together, shall form a common council.

Style of corpora-
tion

3. The mayor, recorder, and councilmen, as soon as they shall be elected and qualified as hereinafter provided, shall be a body politic and coporate by the name of The Town of Harrisonburg, and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded; may purchase and hold real estate needful for the public good, and may exercise all the corporate powers of said corporation, except where otherwise provided; may appoint such police and other officers as may be necessary, who shall continue in office during the pleasure of the council: provided, that at each annual election held under this act, there shall be

elected a town sergeant, town treasurer and assessor, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

4. The mayor, recorder, and councilmen shall be elected by the citizens of said corporation who are, by the laws of the state, entitled to vote for members of the general assembly, and who shall have resided in the said town for three months next preceding the election.

Mayor, recorder,
and councilmen;
how elected

5. Their term of office shall be for one year, except (when to fill vacancies) and until their successors have been elected and qualified.

Term of office

6. The mayor, recorder, and councilmen must be citizens of the town, entitled to vote for members of the common council.

Their qualifica-
tions

7. The first election under this act shall be on the fourth Thursday in July, eighteen hundred and seventy, in the town of Harrisonburg, at the courthouse, under the supervision of some justice of the peace residing within the limits of said town; and annually thereafter there shall be an election in each year at such time and place, and under such supervision, rules, and regulations as the council may prescribe. The officers conducting the first election shall grant a certificate to the persons elected, which certificate shall be recorded in the journal kept by the council.

Elections; when
held

8. All vacancies occurring from any cause in the offices of common councilmen shall be filled by appointment by the council.

Vacancies in
council; how
filled

9. The manner of conducting all elections under this act shall, so far as the same are not in conflict herewith, be the same as prescribed by the general election law of the state for the election of county officers; and in case of a tie, the council shall decide between the candidates, and shall also hear and determine all contested elections.

Manner of con-
ducting elec-
tions

10. A majority of the whole number of officers mentioned in the second section of this act shall be necessary to the transaction of any business whatever.

Quorum

11. The officers herein mentioned, shall each, within ten days after receiving the certificate of his election, take and subscribe an oath that he will truly, faithfully, and impartially discharge the duties of his said office so long as he shall continue therein. The recorder shall take such oath before some person authorized to administer the same, and shall thereupon be authorized to administer the same to other officers, and shall keep a record thereof in the journal of the council. And if any of these officers shall fail within ten days so to qualify, his office shall be vacant; and whenever a majority of the members of the common council shall have qualified, they shall enter upon their said offices, and shall supersede the former council of said town.

Oath of office

For failure to
qualify; within
what time

12. The council shall be presided over at its meetings by the mayor, or in his absence, by one of the councilmen chosen by a majority of the councilmen present.

Who to preside
over council

13. Upon the call of any member, the yeas and nays on any question shall be called and recorded in the journal. The proceedings of every meeting shall be signed by the person pre-

Yeas and nays;
record of pro-
ceedings

siding, and the record of all proceedings shall be open to the inspection of the voters of the town.

Compensation
of officers

14. The council shall fix the salary and compensation of the mayor and all other officers; but no compensation shall be allowed to any member of the council except the recorder, unless he be acting as treasurer.

Powers of council

15. The council shall have power, within said town, to lay off, alter, or improve streets, alleys, and walks; to regulate the width of the same, and keep them in order; to lay off public grounds and provide and take care of public buildings; to abate anything which, in the opinion of a majority, shall be a nuisance; to provide against fire and contagious disease; to provide a revenue for the town, and appropriate the same; to make an annual assessment of taxable persons and property of the town; to adopt rules for its own government and the transaction of business; to define the powers, prescribe the duties, and fix the term of service of its appointees; require and take from them bonds, with such sureties and in such penalties as it may determine, for the faithful discharge of their duties (all bonds to be made payable to the town), and remove its appointees at pleasure; and generally to do all such things for the prosperity, quiet, and good order of the citizens of said town; to adopt and enforce all needful ordinances not contrary to the constitution and laws of the state, and to enforce fines and penalties not in conflict with the laws of the state, under the judgment and order of the mayor, or in his absence or inability, of the person lawfully exercising his functions. The council, with the consent of the judge of the county of Rockingham, entered of record, may use the jail of said county for its purposes.

Licenses

16. Whenever anything for which a state license is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of said town. But no license to sell strong or spirituous liquors, wine, beer, ale, or porter, or drinks of like nature, within said town, or within two miles of the boundary of said town, shall be granted by any other person or persons having the authority to grant licenses, unless the party applying therefor shall produce to such person or persons the certificate of the council of said town of its consent to the granting of such license. The council may require from persons so licensed, a bond, with sureties, payable to said town, in such penalties and with such conditions as it may think proper, and may revoke such license at any time, if the conditions of said bond be broken.

Annual levy

17. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age, dogs, hogs, and other animals; upon all real estate subject to be assessed with state taxes: provided, the tax do not exceed seventy-five cents on every hundred dollars of value of unimproved lots, and fifty cents on the same value of real and personal property, and fifty cents per head on each taxable person; and provided, that grounds included in this charter not laid off in town lots shall not be taxed for incorporation pur-

poses, except that such grounds, when improved, may be so taxed to an extent not exceeding five acres.

18. The council may, in the name and for the use of the town, contract loans or cause to be issued certificates of debt, and provide for a sinking fund to pay the same; but such loan shall not be irredeemable for a period greater than thirty-four years: provided, that no tax shall be levied, and no debt shall be incurred, unless by a vote of two-thirds of all the members of the council elected, which vote shall be taken by yeas and nays, and spread upon the journal. Loans, and certificates therefor
Proviso

19. The mayor shall be the chief executive officer of the town; shall take care that the by-laws and ordinances of the council are faithfully executed; shall be ex-officio a conservator and justice of the peace; and shall, within the town, and for two miles outside of the boundary of the town, exercise all the powers and duties vested in justices; shall see that peace and good order prevail. He shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary. Mayor; powers and duties

20. The recorder shall keep a journal of the proceedings of the council; shall have charge of and preserve the records of the town, and in the absence or disability of the mayor, shall be invested with his powers, so far as to hear and determine all cases affecting the government of the town, and may affix and enforce fine and imprisonment in the same manner as the mayor himself. Recorder

21. The treasurer shall have charge of all moneys belonging to the said town, and shall pay the same out on the order of the mayor, countersigned by the recorder, and not otherwise; and for any default or liability on the part of the treasurer or sergeant, the council, in the corporate name of said town, may, on motion, after ten days' notice, obtain judgment before the county or circuit court of Rockingham county on account therefor against them and their sureties respectively, or any or either of them, or their heirs or legal representatives. Treasurer

22. The sergeant shall collect the town taxes, fines, levies, and licenses, and after thirty days from the time of receiving the commissioner's books, may distrain and levy therefor in like manner as the collector may for state taxes, and shall in all respects have the same power to enforce the payment and collection thereof, and shall within the limits of the town, and for two miles outside of the boundaries thereof, exercise all the duties that a constable can legally exercise in regard to the collection of claims and executing and levying process; shall be entitled to the same compensation therefor, and shall be liable to all the fines and forfeitures, together with his sureties, that a constable is liable to, to be recovered in the same manner and before the same tribunals that the same may be recovered against constables. Sergeant

23. There shall be a lien on real estate for the taxes assessed thereon from the commencement of the year of such assessment, and after having been returned delinquent for such taxes, the council may order the same to be sold or rented by the sergeant at public auction for the arrears, and with such Lien on real estate for taxes

per centum added for interest, charges, and expenses as the council may prescribe, which sale or renting shall only be after thirty days' notice, posted at the front door of the courthouse of said town. The council may regulate the time within, and the terms upon which said real estate may be redeemed.

Impounding of
hogs, &c.

24. The council shall have the power to order the impounding of all hogs and other animals that may be found running loose in said town, and impose such fines and forfeitures upon the owners thereof as a majority shall deem proper, and may establish ordinances to this effect.

Corporation of
town; its rights,
powers, and
franchises

25. The corporation of the town of Harrisonburg shall have all the estates, rights, titles, and privileges; all the funds, revenues, and claims, and all the powers, capacities, franchises, and immunities which were vested in or conferred upon, or belonged or appertained to, the corporation of the town of Harrisonburg, or to the mayor and council of the town of Harrisonburg, by or under any acts of the general assembly heretofore passed, and not in conflict with this act. Especially shall it have power to purchase, receive, possess and hold estates, real and personal, either for the proper use of said town, or in trust for the benefit of any persons or associations therein, and of granting such estates.

Funds, reve-
nues, &c.

26. All the estates, rights, titles and privileges, and all funds, revenues and claims of the town, shall be under the care, management, control, and disposition of the council; and the corporate powers, capacities, franchises, and immunities of the town shall be exercised by the council, or under its authority, unless it be otherwise expressly provided. And any power heretofore vested in or exercised by the mayor and council of said town, not inconsistent with this act, is hereby vested in the council of said town as organized by this act.

Not to be liable
for road, poor,
or school rates
of the county;
upon what con-
ditions

27. The said town, and persons and property therein, shall be exempt from all expense or liability for the construction or repair of roads or bridges, or for the support of the poor, or for public free schools, outside of its corporate limits: provided, the said town shall keep its streets and alleys in good order, and shall support its own poor and levy its school tax.

Commence-
ment

28. This act shall be in force from its passage.

CHAP. 206.—AN ACT to Incorporate the Louisa Cemetery Association.

Approved July 9, 1870.

Louisa Ceme-
tery Association
Incorporated

1. Be it enacted by the general assembly of Virginia, That S. D. Gooch, Henry W. Murray, Edward H. Lane, Jesse W. Melton, and J. C. Cammack, and such other persons as may be associated with them, are hereby constituted and made a body politic and corporate, under the name and style of The Louisa Cemetery Association, and by that name may sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, and shall enjoy all the rights and privileges

conferred, and be subject to all the rules, regulations, and restrictions imposed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable to and not inconsistent with the provisions of this act.

2. The said association shall have the right to hold by purchase, gift, or devise, land, not exceeding twenty acres, in the county of Louisa, for the purpose of establishing said cemetery therein, and shall have power to lay out and ornament the same, to sell and make conveyances of lots, to erect suitable buildings and vaults, and to make and enforce, by reasonable fines and penalties, such by-laws and regulations for the government of said cemetery as it shall deem necessary and proper.

3. The estate, property, and affairs of said corporation, not otherwise provided for, shall be managed and controlled by three trustees, to be chosen by proprietors of lots in the said cemetery, and at all elections, each stockholder shall be entitled to one vote. The first election to be holden at such time and place as the majority of the trustees named in the first section may designate, and under their superintendence.

4. No interest of a lot-holder in the property of said association shall in any way be subject to the payment of debts, or pass into the hands of executors or administrators, or be liable for taxes of any description; but the right and interest of each shall descend to and remain in the family of the lot-holder, according to the course of descents.

5. This act shall be in force from its passage, and shall be subject to amendment, modification, or repeal, at the pleasure of the general assembly.

CHAP. 207—An ACT to Incorporate the Rapidan and Madison Courthouse Turnpike Company.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription to an amount not exceeding fifty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a graded turnpike road from Rapidan station, on the Orange, Alexandria, and Manassas railroad, in the county of Culpeper, by way of Locust Dale and Oak Park, in the county of Madison, to Madison courthouse.

2. The books shall be opened at Madison courthouse, under the direction of T. J. Humphreys, Theophilus Smoot, W. E. Banks, and J. C. Utz; at Oak Park under the direction of C. C. Yager, George W. Clark, and Wm. A. Hill; at Locust Dale under the direction of Wm. Lovel and John Lightfoot; and at Rapidan station under the direction of Wm. H. Twyman and John P. Welch, or any one or more of them, and at such other places and under the direction of such agents as a majority of the above-named commissioners may appoint.

When company may begin	3. Whenever the sum of one thousand dollars shall have been subscribed, the subscribers, their personal representatives and assigns shall be incorporated into a company by the name and style of The Rapidan and Madison Courthouse Turnpike Company, subject to the provisions of all general laws relative to incorporated companies: provided, that the said company shall have the privilege of making the said road, or any part thereof, with gravel, rock, sand, clay, or plank, as to them shall seem most expedient; of erecting gates and charging tolls according to law, on any section of the said road five miles in length, so soon as such section shall be completed; that the said road shall not be less than twelve nor more than thirty feet wide, and that its grade shall not exceed four and a half degrees to the mile.
Style of company	
Proviso	
Commencement	4. This act shall be in force from its passage.

CHAP. 208.—An ACT to Incorporate Greble Lodge, No. 187, of Independent Order of Odd Fellows, in the village of Hampton, in the county of Elizabeth City.

Approved July 9, 1870.

Greble Lodge incorporated	1. Be it enacted by the general assembly, That Bowen Menagh, E. E. Woodward, O. P. Fernald, Henry Mebus, J. Hefelfinger, John W. Boyenton, B. H. Huestis, Wm. A. Smith-W. F. Larrabee, Chas. D. Cake, N. Briggeman, J. G. Blackington, and Jos. G. Fulton, and such other persons as are now or may hereafter be regularly associated with them, be and they are hereby incorporated and made a body politic and corporate under the name and style of Greble Lodge, Number One Hundred and Thirty-seven, of the Independent Order of Odd Fellows, situated in Hampton, in the county of Elizabeth City, and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, and may purchase and hold, to them and their successors, any lands, tenements, chattels and goods, of what kind soever, as may be conducive to the objects of such association: provided, that the whole amount of property, personal and real, of said association, shall not be less than two thousand nor more than fifteen thousand dollars.
May borrow money	2. And be it further enacted, That it shall be lawful for Greble Lodge, Number One Hundred and Thirty-seven, of the Independent Order of Odd Fellows, to borrow a sum not exceeding ten thousand dollars, at a rate not exceeding the legal rate of interest, for the purpose of erecting a building suitable for a hall, giving security for the same by deed of trust or mortgage bond upon their real estate.
How property of lodge may be purchased or sold	3. And be it further enacted, That the assent of a majority of all the members of said association shall be necessary for the purchase or sale of any estate, either real or personal, in the name and for the benefit of said association.
Commencement	4. This act shall be in force from its passage.

CHAP. 209.—An ACT Authorizing the Rivanna Navigation Company to Borrow Money.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That the Rivanna Navigation Company be and are hereby authorized to borrow, on the credit of their works now existing and hereafter to be constructed, and the net revenues now on hand or due and unpaid, and that may hereafter accrue therefrom, a sum or sums of money sufficient to improve the navigation of the Rivanna river up to Hydraulic Mills, on the South fork, and Ferneyhough's mill, on the North fork, the amount thus borrowed not to exceed thirty-five thousand dollars; and they are hereby authorized to issue their bonds or certificates of debt, payable in a period of not less than twelve nor more than thirty years from the issuing and date thereof, unless the company shall think proper to pay at an earlier time. Such bonds or certificates of debt shall bear interest at a rate not exceeding ten per centum per annum.

Rivanna Navigation Company authorized to borrow money

Their bonds; within what period payable

2. The Rivanna Navigation Company are authorized and empowered to give a mortgage on their said works on and rights in the said Rivanna Navigation Company, including the works hereafter to be constructed, and upon their net revenues now due or in hand, and which may hereafter accrue from the said works, for the purpose of securing the payment of the interest and the ultimate redemption of the principal of said bonds or certificates of debt. Any liens or prior claims that the state may hold on said works and revenues are hereby suspended in favor of such parties as may loan money to said company for the purposes of this act, or become the holders of said bonds or certificates of debt, until such loan or loans, with the accruing interest thereon, have been fully paid and discharged: provided, however, when the debt, with its accruing interest, which is herein authorized to be contracted, shall have been fully paid and discharged, the state shall be reinstated to all the rights, privileges, and priorities to which she was entitled previous to the passage of this act.

Company may give mortgage on their works, &c.

State's claims suspended; until when

3. The money herein authorized to be raised, shall be used and employed in the improvements of said Rivanna river up to Hydraulic Mills, on the South fork, and Ferneyhough's mills, on the North fork, and for no other purpose whatever, and shall not be liable in any way for any claim or demand now existing against said Rivanna Navigation Company.

Money; how used

4. This act shall be in force from and after the date of its passage: provided, that the legislature hereby reserves the right at any time to modify, amend, or repeal the powers and privileges hereby conferred; but the right of parties and their assignees who may loan money under the provisions of this act shall not be affected or impaired by any such amendment, modification, or repeal.

Commencement, &c.

CHAP. 210.—An ACT to Provide for Laying the County Levy for the year eighteen hundred and seventy.

Approved July 9, 1870.

County levy for
1870; how made

1. Be it enacted by the general assembly, That the supervisors of each county of this state, be and they are hereby authorized to convene on the first day of July, or as soon thereafter as may be, and to audit the claims against their respective counties, and to lay the county levy for the year eighteen hundred and seventy, according to the provisions of sections two, three, four, and five of chapter fifty-three of the Code of eighteen hundred and sixty, so far as the same are applicable under the provisions of this act and the present constitution of the state; and the clerk of the county court shall act as clerk of the board of supervisors, while said board is discharging said duties.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 211.—An ACT to Incorporate the Healing Springs and Covington Turnpike Company.

Approved July 9, 1870.

Preamble

Whereas, Brigadier-General Schofield, commanding department of Virginia, did, on the twenty-second day of February, eighteen hundred and sixty-eight, issue the following order:

“HEADQUARTERS FIRST MILITARY DISTRICT, STATE OF VA.,
“RICHMOND, VA., February 22, 1868.

“Special Orders No. 35:

[Extract.]

“5. I. For the purpose of constructing a turnpike road from Healing Spring, in Bath county, to the town of Covington, in Alleghany county, books of subscription are hereby authorized to be opened at Healing Spring, in the county of Bath, by John L. Eubank and James A. McClung, of said county; at the town of Covington, in Alleghany county, by William Skeen, H. W. Massie, and Alexander McCurdy, of said county, or any two of them, and at such other place or places, and under such direction as a majority of the persons above named shall designate and appoint for the purpose of receiving and entering subscriptions to an amount not exceeding twenty thousand dollars, in shares of twenty-five dollars each.

“II. Whenever two hundred shares shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and they are hereby incorporated into a company by the name and style of The Healing Spring and Covington Turnpike Company, subject to all the provisions, and entitled to all the benefits, privileges, and franchises of

similar companies under the existing laws of Virginia so far as the same may be applicable, and not inconsistent with the terms of this order.

"III. The principal office of the company shall be located at the town of Covington until another location be designated at a regular meeting of the stockholders, after such notice given as may be previously determined upon by said stockholders or the duly appointed officers of the company.

"IV. Until a general meeting of the stockholders can be had, which meeting may be called at any time by the persons hereinafter named, or a majority of them, after two hundred shares shall have been subscribed, and shall be called by them, after such time, upon the written application of one-fourth of all the stockholders, the affairs of the company shall be conducted by the following named persons, viz: John L. Eubank, of the county of Bath, as president; and James A. McClung, of the county of Bath, William Skeen, H. W. Massie, and Alexander McCurdy, of the county of Alleghany, as directors.

"By command of Brevet Major-General Schofield.

"S. F. CHALFIN,

"Assistant Adjutant-General.

"Official :

"S. F. CHALFIN, Assistant Adjutant-General.

"MR. WILLIAM SKEEN."

Under and by virtue of which said order books of subscription were opened, stock subscribed, the company organized, the road made, and gates erected thereon, all without authority of law:

1. Be it therefore enacted by the general assembly of Virginia, That William Skeen, Alexander McCurdy, Samuel C. Tardy, Thomas W. McCance, and other subscribers to the stock of the said company, be and they are hereby made a body corporate, under the name of The Healing Springs and Covington Turnpike Company, and as such are invested with all the rights and made subject to all the regulations and provisions of chapter sixty-one of the Code of Virginia (edition of eighteen hundred and sixty).

Healing Springs and Covington Turnpike Company incorporated

2. Be it further enacted, That all acts done by said company in conformity with the said military order, and not repugnant to the general laws relating to turnpike companies, be deemed legal, and that said company may have power to proceed against any delinquent subscriber; and any person deeming the road out of repair, may proceed to have the gates erected by the company, thrown open, as provided by existing laws; but the road, as made under said military order, shall be and the same is hereby declared legal, and all acts, not repugnant to general laws, done by the president and directors of said company, with the assent of the owners of the land through which the road has been made, as well also as the donations of the land taken for said road, are declared lawful.

Acts heretofore done, ratified, &c.

Road as made under military order, declared legal

3. This act shall be in force from its passage.

Commencement

CHAP. 212.—An ACT to Incorporate the Staunton Female Seminary.

Approved July 9, 1870.

The Staunton
Female Semi-
nary incorpo-
ratedCorporate
powers

Proviso

The trustees;
their powers,
&c.

Treasurer

Subscriptions to
capital stock

1. Be it enacted by the general assembly of Virginia, That Hon. A. H. H. Stuart, Col. J. B. Baldwin, Col. Geo. Baylor, M. P. Funkhouser, J. Witz, G. P. Baker, Prof. E. Louis Ide, Rev. J. I. Miller, J. A. Piper, Capt. Geo. Shuey, Robert G. Bickle, Esq., Maj. A. Koiner, be and they are hereby constituted a body politic and corporate, by the name and style of The Staunton Female Seminary, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, with power to purchase, receive, and hold, to them and their successors forever, any lands, tenements, rents, goods, and chattels, of what kind soever, which may be purchased by, or be devised or given to them for the use of said seminary, and to lease, sell, rent, or otherwise dispose of the same in such manner as shall seem most conducive to the interests of said seminary: provided, that the lands, goods, and chattels, so authorized to be held, shall not exceed in amount or value the sum of fifty thousand dollars; and provided further, that the majority of said trustees, or their successors, may at any time hereafter increase the number of trustees to twenty, and that not less than a majority of trustees for the time being, shall be sufficient to authorize the sale or mortgage of any real estate belonging to said seminary.

2. The said trustees and their successors shall have power to appoint a president, treasurer, principal, teachers, and such other officers as they may deem proper, and to make and establish from time to time such by-laws, rules, and regulations, not contrary to the laws of this state or of the United States, as they may judge to be proper for the good government of said seminary. A majority of the trustees shall constitute a board for the transaction of business, and any vacancy or vacancies amongst the trustees, occasioned either by death, resignation, removal from the state, or other disability, shall be supplied by appointment of the board.

3. The treasurer shall receive all moneys accruing to said seminary, or property delivered to his care, and shall pay or deliver the same to the order of the board. Before entering upon the discharge of his duties, he shall give bond, with such security and in such penalty as the board may direct, made payable to the trustees for the time being by their corporate name aforesaid, and their successors, conditioned for the faithful performance of his duty, under such rules and regulations as may be adopted by the board; and it shall be lawful for the trustees to obtain a judgment for the amount thereof, for any special delinquency incurred by said treasurer, on motion in any court of record in this commonwealth, against the said treasurer or his security or securities, his or their executors or administrators, upon giving ten days' notice of such motion.

4. Said board of trustees shall have the power, either by themselves or their agents, to take and to receive subscriptions,

in shares of one hundred dollars each, to the capital stock of said corporation, and to enforce payment of the same.

5. Said board of trustees, in connection with the principal and teachers, shall have power to confer such diplomas and literary titles as they may think best calculated to promote the cause of education. Diplomas, &c.

6. The legislature reserves the right to modify or repeal the charter at pleasure. Power of legislature over charter

7. This act shall be enforced from its passage. Commencement

CHAP. 213.—An ACT for the Relief of the Sureties of Washington Dearmont, late Sheriff of Clarke county, Va.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That the auditor of public accounts shall be authorized and he is hereby directed, upon a settlement of the judgments in the name of the commonwealth of Virginia against Washington Dearmont, late sheriff of Clarke county, and his sureties, for his default in the payment of the revenue for the years eighteen hundred and sixty-seven and sixty-eight, to receive from said sureties, in discharge of said judgments against them, the payment of the principal, legal interest, and costs and expenses of collection, abating therefrom the damages which have been awarded for said default; and he is also authorized to allow credit on said judgments for any insolvents which may be proved within ninety days from the passage of this act, if he shall be satisfied that the same were not lost by the neglect or default of the said Washington Dearmont while in office: provided, however, that nothing in this act shall be construed to release said Dearmont from any portion of said judgments. For relief of sureties of Washington Dearmont, late sheriff of Clarke county

2. This act shall be in force from its passage.

Commencement

CHAP. 214.—An ACT Providing for the Re-assessment of the Lands throughout the Commonwealth.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That it shall be the duty of the several county and corporation courts, and of the hustings court of the city of Richmond, at their July or August terms, in the year one thousand eight hundred and seventy, and at their June or July terms in every fifth year thereafter, to appoint proper persons to assess the value of all lands and lots, together with the improvements thereon, within their respective counties and corporations: provided, that there shall be but one assessor for each corporation except the city of Richmond, wherein there shall be three, and for each county as many as there are commissioners of the reve- County and corporation courts to appoint persons to assess lands and lots; when

Proviso

- nue for the same; and no person shall be appointed assessor for any county or corporation who is not a resident and freeholder in the same. In those counties in which two or more assessors are to be appointed, the court shall appoint one for each district to which a commissioner is assigned; but the said districts shall be re-arranged, by the said court, by township lines, so that no part of a township shall be in more than one district.
- Number of assessors, and how districts arranged** 2. Each assessor, before entering upon the duties of his office, shall in open court, execute a bond, with security deemed good by the court in the penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office; and shall moreover take an oath in open court that he will faithfully and impartially, and to the best of his skill and understanding, execute all the duties of his office according to law.
- Assessor's bond and oath** 3. The register of the land office, as soon as possible after the passage of this act, shall forward to the clerk of each county and corporation court, a list of all grants of land within his county or corporation, issued between the thirty-first day of December, eighteen hundred and sixty-nine, and the time of making out such list; and it shall be the duty of the clerk, without unnecessary delay, to deliver to the assessor of such county or corporation the said list of grants, with a copy of the land book for his county or corporation, last returned, and a list of the conveyances recorded since the said book was made out. In any county in which there shall be more assessors than one, the clerk shall furnish to each of them a copy of the list of grants and of the land book, and also a list of conveyances as aforesaid, for the district for which he is appointed. For the services aforesaid, the clerk shall receive such compensation as the court of his county or corporation may think proper to allow; which shall be embraced in and paid out of the first corporation or county levy made after the services shall have been rendered. And any clerk who shall fail to perform any duty hereby enjoined upon him, shall be fined, for the use of the literary fund, a sum not exceeding one hundred dollars, at the discretion of the jury.
- Duty of register** **Duty of clerk of county or corporation court** **Clerk's compensation** **Penalty on clerk** 4. The said assessors shall, immediately after their appointment, proceed to examine all the lands and lots, with the improvements thereon, within their respective counties, districts, and corporations; and shall, upon such examination, ascertain and assess the cash value thereof. And if at any time the court shall be satisfied that any assessor appointed under this act will not, or that from any cause he cannot, perform the duties devolved on him within the time prescribed, it may wholly supersede him, and appoint another in his place, or appoint one or more assistants to aid him in his duties, as it shall deem most expedient; but before any person thus appointed, shall enter upon the duties of his office, he shall take the oath and execute the bond, with such penalty as the court shall fix, prescribed in the second section: provided, however, that the cash value of the lands, lots, and improvements thereon, shall be fixed by first ascertaining the value, upon the usual credits,
- Duty of assessor** **How assessor may be superseded** **Proviso**

in the neighborhood and rebating legal interest, when interest is not usually allowed on such credits or deferred payments.

5. Any person feeling himself aggrieved by the assessment of his lands or lots, made under the provisions of this act, may, upon giving notice to the assessor, apply to the court by which the assessor was appointed, at the first, second, or third term after such assessment shall be made, and not after, to have the assessments of his lands or lots corrected; which notice shall be in writing, and shall have appended thereto an affidavit that, in the opinion of the affiant, the assessment of his lands or lots is above the true value thereof; which affidavit may be sworn to by the owner or his duly authorized agent. In all such applications, it shall be the duty of the attorney for the commonwealth in such court to attend to the interest of the commonwealth. And if the court shall be satisfied that the assessment is too high, it shall reduce the same to what is, in its opinion, the true value of such lands or lots; but if it shall be of opinion that the assessment is too low, then it shall increase it in like manner. And such application shall have precedence over all other causes pending in said court. In any case in which the owner of lands or lots, or his agent, shall be dissatisfied with the value assessed, because it is too low, the assessor shall adopt the estimate of the owner or his agent; but in cases of appeal from the decision to court, as herein provided for, costs shall not be taxed for or against the appellant or the commonwealth.

How assessment corrected

Notice

Duty of commonwealth's attorney

Such application to have precedence Where assessment is too low

Costs

6. As soon as the assessors shall have completed the assessment in their respective counties, districts, or corporations, and shall have conformed the same in all controverted cases to the action of the court, the said assessor shall make out two copies of his assessment in the form in which the land books are now made out, and shall certify on oath that no lots or lands are omitted, and that there are no errors on its face; and of these copies, so certified, one shall be filed and preserved in the clerk's office of the county or corporation, and the other forwarded by mail, or other safe conveyance, to the auditor of public accounts, at Richmond, on or before the first day of December in the year in which such assessment is made. Each assessor who shall fail to comply with any requisition of this section, shall forfeit all right to compensation for his services. It shall be the duty of the auditor of public accounts, as soon as practicable after the passage of this act, to prepare proper forms of return, so arranged as to show the lands and lots in each township separately, with blanks, to be filled up by the assessors, and instructions, and cause the same to be printed, and forward a sufficient number of copies, for the use of the assessors, to the clerks of the courts of the several counties and corporations.

Copies of assessment; how certified and filed

When assessor shall forfeit commissions Auditor to prepare forms

7. Each assessor and assistant assessor shall receive the sum of three dollars for each day he shall be necessarily employed in the execution of the duties of his office. Their accounts shall be made out and verified, and shall be paid out of any money in the treasury not otherwise appropriated.

Assessor's compensation; how paid

8. This act shall be in force from its passage.

Commencement

CHAP. 215.—An ACT to Authorize the Counties of Albemarle, Fluvanna, and Greene to Loan Money to the Rivanna Navigation Company.

Approved July 3, 1870.

Certain counties authorized to loan money to Rivanna Navigation Company

1. Be it enacted by the general assembly of Virginia, That the counties of Albemarle, Fluvanna, and Greene shall have power and authority to lend to the Rivanna Navigation Company for the purpose of improving the navigation of the Rivanna river up to the Hydraulic mills on the south fork, and Ferneyhough's mill on the north fork, upon the terms and conditions set forth in the act of the general assembly passed June, eighteen hundred and seventy, in all not exceeding thirty-five thousand dollars, to wit: the county of Albemarle, a sum not exceeding twenty thousand dollars; the county of Fluvanna, a sum not exceeding ten thousand dollars; and the county of Greene, a sum not exceeding five thousand dollars.

Loans for paying such debt; how negotiated

May levy tax

2. For the purpose of paying the debt thus incurred, the boards of supervisors of the said counties, respectively, shall have the power to appoint an agent or agents to negotiate a loan for and in the name of their respective counties, and at the times and periods at which they make their county levies shall levy on all the property subject to tax and county levy, such tax to pay said debts or parts of the same, and interest thereon, as said supervisors may respectively deem necessary and proper, including a tax of not exceeding five cents upon each tithable for any one year, which said boards of supervisors shall have power to levy upon the tithables of their respective counties for said purpose, and from year to year repeat such assessment and levy until the amount authorized to be borrowed for such purpose, together with all interest, is fully paid; but such levy for any one year shall not exceed one-tenth of the whole amount of debt thus incurred.

Bonds of said counties; how executed, and when payable

3. The agent or agents so appointed to negotiate a loan or loans, shall have power and authority to issue and execute bonds in the name of the county for which the money is borrowed, payable to the party lending the same, said bonds to bear interest at a rate not exceeding ten per centum per annum, and to be paid at the expiration of twelve years from the time of issuing the same, unless the respective counties choose to pay sooner.

Bonds may be executed directly to said company

4. Should said boards of supervisors, or any of them, prefer to make the loan to the Rivanna Navigation Company, for the purposes aforesaid, by executing their bonds for not exceeding the amount hereinbefore specified, directly to said company, the said bonds to be used by said Rivanna Navigation Company for the purposes aforesaid, then the said boards of supervisors so preferring it, shall have power and authority to do so, and said bonds, when executed by the agents so appointed, shall be valid and binding upon the said counties respectively.

Supervisors not to act till authorized by three-fifths of votes in their county

5. The said boards of supervisors shall not have authority to contract any debt, make any loan, or incur any liability under the provisions of this act, until thereunto authorized by a vote of three-fifths of the qualified voters of the respective

counties, as provided for in the sixty-first chapter of the Code, or by such vote as may be required by such law as may be in existence directing how counties may proceed to subscribe for stock in or lend money to improvement companies at the time such vote may be taken.

6. The judges of the respective county courts above named, shall make an order requiring the sheriff and commissioners of election, at the next general election after the passage of this act, to open a poll and take the sense of those qualified to vote on the question whether the said counties shall lend the said sums of money respectively or not, and in all respects such proceedings shall be had in regard to the persons voting, the returns, etcetera, as are required by said sixty-first chapter of the Code, or by such law determining the proceedings in regard to loans or subscriptions to improvement companies as may be in existence at the time of such poll being closed.

Poll; how opened

Proceedings thereupon

7. This act shall be in force from its passage.

Commencement

CHAP. 216.—An ACT Amending and Re-enacting an Act entitled an Act to Incorporate the Trustees of Randolph Macon College, passed February third, eighteen hundred and thirty, and Ratifying the Removal of said College from Boydton to Ashland.

Approved July 9, 1870.

Whereas, the board of trustees of Randolph Macon college deeming it necessary for the prosperity and existence of said institution, that the site of its operations should be changed from near Boydton, in the county of Mecklenburg, to Ashland, in the county of Hanover, did, in September, eighteen hundred and sixty-eight, change said site to Ashland, at which place the operations of the college have since been and are now successfully conducted; and whereas, it is important that all doubts respecting the validity of said action should be quieted: therefore,

Preamble

1. Be it enacted by the general assembly, That the act entitled an act to incorporate the trustees of Randolph Macon college, passed February third, eighteen hundred and thirty, be amended and re-enacted so as to read as follows:

“§ 1. That the removal of the aforesaid college is hereby ratified and confirmed, and that there be and is hereby established at Ashland, in the county of Hanover, in this commonwealth, a seminary of learning for the instruction of youth in the various branches of science and literature, the useful arts, agriculture, and the learned and foreign languages.

Removal of college to Ashland ratified

“§ 2. That the said seminary shall be known and called by the name of Randolph Macon College.

“§ 3. That Hezekiah Leigh, John Early, Edward Cannon, W. A. Smith, William J. Waller, Thomas Crowder, Moses Brock, James Boyd, William Hammett, Caleb Leech, Mathew M. Dance, Lewis Skidmore, Augustine Claiborne, Ethelbert

Corporators

Drake, Henry Filts, John Nutall, James Wyche, John P. Harrison, Greenville Penn, Walker Timberlake, John G. Claiborne, Howell Taylor, James Smith, Joel Blackwell, John Y. Mason, James Garland, Richard G. Morris, John W. Lewis, William O. Goode, and Nathaniel Alexander, be and are hereby constituted and appointed trustees of said college, who and their successors shall be a body politic and corporate, by the name of The Trustees of Randolph Macon College, who shall have perpetual succession and a common seal, and by the name aforesaid, they and their successors shall be capable in law to possess, purchase, receive, and retain to them and their successors forever, any lands, tenements, rents, goods, chattels, or interest of any kind whatsoever, which may have already been given, or may hereafter be given, or by them purchased for the use of said college, to dispose of the same in any way whatsoever they shall adjudge most useful to the interests and legal purposes of the institution, and by the same name, to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity; and under their common seal, to make and establish from time to time such by-laws, rules, and ordinances, not contrary to the laws and constitution of this commonwealth, as shall by them be thought essential to the good order and governments of professors, masters, and students of said college.

President, professors, &c.;
how elected

“§ 5. That the said trustees shall elect the president, professors, and such other officers as they may judge necessary for the purposes of the institution.

Meeting of trustees

“§ 6. That the said president and trustees, or any seven of them, shall have full power and authority to meet at such times as they shall think necessary, for the examination of any candidates for literary degrees, and they are hereby authorized and empowered to confer such degrees on such persons as in their opinion shall merit the same, in as ample a manner as any other college of this commonwealth can do; and under their common seal to grant testimonials thereof, signed by the president and seven of the trustees at least. The president and seven trustees shall, at any time, form a quorum for business; and should there be at any meeting less than seven, they shall have the power of adjourning from day to day, or to any future day, until a quorum shall be had.

Treasurer

“§ 7. That the said trustees, or a quorum of them, shall annually elect a treasurer for said college, who shall give bond with approved security, payable to the trustees by their name aforesaid, and their successors, conditioned faithfully to discharge the duties of his said office, and shall render an account of all moneys, goods, and chattels, received and expended by him on account of, and for the use of said college; and on failure or refusal so to do, shall be subject to the like proceedings as are prescribed by law, in the case of sheriffs or other officers charged with the collection of the public revenue failing to account for and pay into the treasury of this commonwealth the public taxes collected by them; such proceedings to be conducted in the name of the trustees in their corporate and politic character aforesaid.

"§ 8. That the said trustees, or a quorum of them, shall have power to remove or suspend the president or any of the masters at any time for good cause; and also, two-thirds concurring, to remove any of the trustees for good cause, and to supply the vacancy occasioned by such removal; and when there shall be a vacancy occasioned by death, removal, resignation, or refusal to act, the remaining trustees, or a quorum of them, shall supply the vacancy. It shall also be lawful for the president, (or in case of his death, resignation, or refusal to act,) the professors and masters for the time being, or a majority of them, to call a meeting of the trustees, when he or they, as the case may be, shall deem it expedient.

Removal or suspension of president, or masters, or trustees, and supply of vacancies

Meeting of trustees; how called

"§ 9. That the president and trustees of said college, before they enter upon the discharge of the duties of their office, shall severally take the following oath or affirmation, to be administered by any one duly qualified to administer an oath—that is to say: 'I (A. B.) do swear (or affirm, as the case may be,) that I will, to the best of my skill and judgment, discharge the duties required of me as a trustee (or president) of Randolph Macon college, according to the act of incorporation, without partiality, favor, or affection. So help me God.'

Oath of president and trustees

"§ 10. That whenever any trustee shall absent himself from three successive meetings of the board of trustees, having been duly notified of such meetings, without assigning a sufficient reason at the fourth, the trustees of said college, or a quorum of them, shall have power, by entry on their minutes, to declare his seat vacant, and proceed to the election of a new trustee to supply such vacancy.

How seat of trustee vacant for non-attendance

"§ 11. That the said trustees and their successors are hereby authorized, so far as their funds may warrant, to admit gratuitously, in whole or in part, as their respective cases may require, such person or persons as they may think proper.

Gratuitous scholars

"§ 12. That the trustees of said college shall have power to establish a department of agriculture in said college: provided, nevertheless, that no pupil or student in the college aforesaid, shall be required to study or labor in said department in any manner contrary to the wishes of the person or persons at whose charge and by whom such student or pupil has been placed in the institution aforesaid.

Department of agriculture

"§ 13. That there shall be annual stated meetings of the said board of trustees, and at such other times as the said board of trustees may appoint.

Meetings of trustees

"§ 14. That the said board of trustees shall never be less than twenty-four nor more than forty in number.

Number of trustees

"§ 15. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

"§ 16. This act shall be in force from its passage."

Commencement

CHAP. 217.—An ACT to Incorporate the Fairfax County Narrow Gauge Elevated Railroad Company.

Approved July 9, 1870.

Fairfax County
Elevated Rail-
road Company
incorporated

1. Be it enacted by the general assembly, That it shall be lawful to open books at Fairfax courthouse, under the direction of N. O. Bond, H. W. Thomas, Job Hawxhurst, B. Canfield, and F. Palmer, or any three of them, and at such other places under the direction of such agents as a majority of the above-named may appoint, for the purpose of receiving subscriptions to an amount not exceeding twenty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock for constructing a narrow gauge elevated railroad from Fairfax courthouse to either Vienna or Falls Church, on the Alexandria, Loudoun and Hampshire railroad, and from thence to the Aqueduct bridge opposite Georgetown, District of Columbia; also from Fairfax Courthouse to Fairfax station or Manassas, or to some point between the last-named places on the Orange, Alexandria and Manassas railroad, and under the plans and specifications of the said N. O. Bond.

When corpora-
tion to begin

2. Whenever forty shares shall have been subscribed, the subscribers, their heirs or assigns, shall be and are hereby declared and constituted a body politic and corporate, under the name and style of the Fairfax County Elevated Railroad Company, and shall be subject to all the provisions of the Code of Virginia applicable to railroad companies.

Within what
period road com-
menced and
finished

3. Provided further, that said railroad shall be commenced within two years from the passage of this act, and be finished within three years from the time of commencing, from Fairfax Courthouse to either Vienna or Falls Church, and within five years to Aqueduct bridge, Georgetown, District of Columbia, or Fairfax station, or Manassas junction, or some point between on the Orange, Alexandria and Manassas railroad.

Optional with
company to con-
tinue road from
certain point

4. Provided also, that after the completion of the said road from Fairfax Courthouse to either Vienna or Falls Church, it shall be optional with the said company in regard to continuing the same to the other points named in the first section of this act: and provided further, that the failure to build the same shall in nowise affect this charter as applicable to that portion constructed, but the same shall continue in force.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 218.—An ACT to Incorporate the Western Branch Drawbridge Company, in the county of Norfolk.

Approved July 9, 1870.

Books of sub-
scription to
Western Branch
Drawbridge
Company

1. Be it enacted by the general assembly, That it shall be lawful to open books for receiving subscriptions to an amount not exceeding twenty thousand dollars, in shares of fifty dollars each, for constructing a toll-bridge, with a suitable draw,

across the Western branch of the Elizabeth river, in Norfolk county, at or between the lands of Mrs. Benn and M. W. Dennis, on the west side, and between Richard Cox and Pearson Rodman's lands, on the east side of said branch. The said books shall be opened in the city of Portsmouth, or at such place or places in the county of Norfolk as may be designated by any three of the commissioners hereafter named, under the superintendence of James Carney, William F. Wise, John T. Griffin, Henry Kirn, John S. Wright, M. W. Dennis, and James G. Baine, who are hereby authorized to appoint other commissioners to act at such other place or places as they shall direct.

2. When five thousand dollars of the capital stock of said company shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company, by the name and style of The Western Branch Drawbridge Company. When company may begin

3. The said company shall be incorporated upon condition that the bridge erected by it shall not hinder, delay, or obstruct the passage of any vessel, steamer, boat, or raft upon said branch, or prevent or prejudice the improvement of navigation thereon. And the said bridge shall be subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia, so far as the same shall be applicable. Bridge not to hinder navigation

4. As soon as the bridge is completed, the president and directors of the company may demand and receive such reasonable tolls as their by-laws may prescribe, not exceeding the present rate of tolls across the ferries of Norfolk county. When company may demand toll

5. This act shall be in force from its passage. Commencement

CHAP. 219.—AN ACT to amend an act to incorporate the Leesburg and Aldie Turnpike Company.

Approved July 9, 1870.

1. Be it enacted, That the fourth section of the act entitled an act to incorporate the Leesburg and Aldie turnpike company, passed March twenty-eighth, eighteen hundred and sixty-one, be amended and re-enacted so as to read as follows: Charter of Leesburg and Aldie Turnpike Company amended

“§ 4. Be it further enacted, That said company shall not erect more than two toll-gates between the two termini, and may charge tolls on said road not exceeding those now prescribed by law, when the grading shall be completed from Leesburg to Goose creek bridge: provided, that all the tolls shall be applied to keeping said road in order, and to McAdamizing or gravelling the same: and provided further, that all future subscriptions shall be applied to the metaling of the road bed, as prescribed in the third section of the act now amended.”

2. Be it further enacted, That this act shall be in force from and after its acceptance by the stockholders in general meeting. Commencement

CHAP. 220.—An ACT to Amend and Re-enact Section Three of an Act passed December twentieth, eighteen hundred and fifty-five, entitled an Act to Incorporate the Town of Orange.

Approved July 9, 1870.

Charter of town
of Orange
amended

1. Be it enacted by the general assembly of Virginia, That the third section of an act passed December twentieth, eighteen hundred and fifty-five, be amended and re-enacted so as to read as follows:

§ 3

"§ 3. R. G. Ecloff, George Cullen, Joseph H. Houseworth, Alexandria Daily, and James L. Robinson, or any two of them, are hereby authorized to hold an election on the first Saturday in August next, for the trustees aforesaid."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 221.—An ACT to Authorize the Payment of Certain Guards at the Penitentiary.

Approved July 9, 1870.

Payment of cer-
tain guards at
the penitentiary
authorized

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby instructed to issue his warrant, upon the certificate of the superintendent of the penitentiary, for the payment of E. P. Hulce, Wm. Hunt, W. H. Ward, John Dascomb, and P. O'Brien, for service as guards at the penitentiary from the first of January, eighteen hundred and seventy, until the seventeenth of February, eighteen hundred and seventy, at the rate of forty-five dollars per month.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 222.—An ACT to Amend and Re-enact an Act entitled an Act to Amend and Re-enact the Charter of the Town of Leesburg, in the County of Loudoun, passed February twenty-seventh, eighteen hundred and fifty-eight.

Approved July 9, 1870.

Charter of Lees-
burg amended

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact the charter of the town of Leesburg, in the county of Loudoun, passed February twenty-seventh, eighteen hundred and fifty-eight, be amended and re-enacted so as to read as follows:

Corporate limits

"§ 1. The corporate limits and bounds of the town of Leesburg, in the county of Loudoun, shall be as follows: Beginning at A, as represented on a map of said town, the north-west corner of North and Liberty streets, and running thence with the west side of Liberty street, N. twenty-one degrees ten minutes E. nine hundred and seventy feet to B, an original corner to the corporation; thence with the same line continued, forty-four feet—in all, ten hundred and fourteen feet,

to one, a point in the south line of the Union cemetery; thence to embrace said Union cemetery within the corporate limits, with the south line thereof, N. sixty-eight degrees fifty minutes W. one hundred and eighty-four, four feet, to two, the southwest corner thereof, thence with the west line thereof, N. twenty-one degrees ten minutes E. four hundred and sixty-six, sixty-two feet, to three, the northwest corner of the same, in a line of the Loudoun agricultural fair lot; thence with said line S. sixty-eight degrees fifty minutes E. four hundred and sixty-six, sixty-two feet, to four, the northeast corner of said cemetery; thence with the east line thereof, S. twenty-one degrees ten minutes E. five hundred and ten, sixty-two feet, to five, a point in the original line of the corporation; thence with said original line, S. sixty-eight degrees fifty minutes E. nine hundred and twenty-four feet, to C, a stone, the northeast corner of and Church streets; thence with the east line of Church street, S. twenty-one degrees ten minutes W. nine hundred and twenty-five feet, to D, the northeast corner of Church and North streets; thence with the north line of North street, S. sixty-eight degrees fifty minutes E. nine hundred and sixty-five feet, to E, a stone, the northeast corner of North and streets; thence with the east line of street, south twenty-one degrees ten minutes west fourteen hundred and sixty, three feet, to F, the southeast corner of and Royall streets; thence to embrace within the corporate limits aforesaid the depot grounds belonging to the Alexandria, Loudoun and Hampshire railroad company, Leesburg station; continue the last named line one thousand and four, six feet, to F, a stone, the southeast corner of and streets, extended; thence N. sixty eight degrees fifty minutes W. twelve hundred and sixty-one, eight feet, to I, a stone, an original corner to the said corporation; thence with the same line continued, four hundred and twenty-nine feet, to K, a stone, another original corner to the same; thence N. twenty-one degrees ten minutes E. seven hundred and sixty feet, to L, a point in the south line of street; thence with said line N. sixty-eight degrees fifty minutes W. sixteen hundred and fifty-eight, two feet, to M, a stone, the southwest corner of and Ayr streets; thence with the west line of Ayr street, N. twenty-one degrees ten minutes E. seventeen hundred and thirty-four, nine feet, to N, a stone, the northwest corner of Ayr and North streets; thence with the north line of North street, S. sixty-eight degrees fifty minutes E. eleven hundred and thirty-nine, nine, to the beginning.

"§ 2. The boundaries and plat of said town shall be recorded among the deeds in the office of the clerk of the county court of Loudoun. Plat of town;
how recorded

"§ 3. The municipal authorities of said town shall be a Municipal mayor, recorder, and twelve councilmen, who, together, shall form a common council. Municipal
authorities

"§ 4. The mayor, recorder, and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic and corporate by the name of The Town of Style of town,
and corporate
powers

Leesburg, in Virginia; and shall have perpetual succession and a common seal; and by that name may sue and be sued, implead and be impleaded; may purchase and hold real and personal estate necessary to enable them the better to discharge their duties, and needful for the good order, government, and welfare of the said town.

By whom corporate powers exercised	" § 5. All the corporate powers of said corporation shall be exercised by the said council or under their authority, except where otherwise provided.
Sergeant	" § 6. There shall be a town sergeant of said town.
Town officers; how elected	" § 7. The mayor, recorder, and councilmen and the town sergeant, shall be elected by the citizens of the said town who may be entitled under this act to vote.
Term of office	" § 8. Their term of office shall be (except when elected to fill vacancies) for one year, and until their successors shall have been elected and qualified as hereinafter provided.
Qualifications of officers	" § 9. The mayor, recorder, councilmen, and sergeant, must be residents in said town and entitled to vote for its common council.
Annual elections; when and how held	" § 10. An election for mayor, recorder, councilmen, and sergeant, shall be held annually on the first Saturday after the fourth Thursday in May in each year, and at such special times as are hereinafter provided. All said elections shall be held at some convenient place in the town, which shall be appointed and duly published by the council.
Qualifications of voters	" § 11. All persons who have had their domicile in said town for three months next preceding the day of election, and who shall also be entitled to vote for members of the general assembly of Virginia, shall be entitled to vote for all officers elected by the people under this act.
Vacancies; how filled	" § 12. Whenever a vacancy shall occur, from any cause, in the office of mayor, recorder, or sergeant, the council for the time being shall at once order a special election to be held to fill the vacancy; of which election, two weeks' notice shall be duly given and published by the council.
Superintendents of elections	" § 13. Before every election, the council for the time being shall appoint three or more of their own number, whose duty it shall be to superintend said election, record in a poll book the votes given, and make return thereof and of the result of said election to the council.
The vote; how decided	" § 14. Whenever two or more persons are voted for for the same office at said election, and shall receive an equal number of votes, the said commissioners, or a majority of them, after proclamation made at the front door of the place of voting, that the polls are about to be closed, and after closing the polls, shall decide and say which of said persons shall be returned as elected.
Contested elections; how	" § 15. All other contested elections shall be heard and decided by the council for the time being.
Oath and certificate of commissioners	" § 16. Before said commissioners shall act, they shall make oath or affirmation before a justice of the peace, that they will faithfully and impartially discharge their duty as such; and a certificate of said oath or affirmation shall be annexed to and returned with the poll books.

"§ 17. The mayor, recorder, and councilmen shall each, before entering upon the duties of their office, and within two weeks from the day of their election, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their said offices to the best of their ability, so long as they shall continue therein. The mayor and recorder shall take said oath or affirmation before a justice of the peace, and the councilmen shall take it before the person presiding for the time in council. Certificates of said oaths or affirmation shall be given and recorded in the journal of the proceedings of the council.

Oath of town officers, and certificate thereof

"§ 18. The mayor and recorder shall each enter on the duties of his office so soon as so qualified.

When mayor and recorder enter upon their duties

"§ 19. Whenever any eight of the newly elected councilmen shall have been so qualified, they shall enter upon their said office and supersede the former councilmen.

When councilmen to enter upon their duties

"§ 20. If any one who has been duly elected mayor, recorder, councilmen, or sergeant, shall not have been eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act, or in the case of the sergeant, also to give the bond hereinafter required, for two weeks from the day of his election, the council for the time being shall declare his said office vacant, and shall order a new election for mayor, recorder, or sergeant, as the case may be.

Within what period and how offices may be declared vacant

"§ 21. Whenever from any cause a vacancy shall occur in the office of councilman, the council for the time being shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act.

Vacancy in council; how filled

"§ 22. The council shall be presided over at its meetings by the mayor, or in his absence, by the recorder, or in the absence of both mayor and recorder, by one of the councilmen selected by a majority of the council present.

Who shall preside over council

"§ 23. The presence of the mayor or recorder and at least eight councilmen, or in the absence of the mayor and recorder, the presence of ten councilmen shall be necessary to make a quorum for the transaction of business.

Quorum of council

"§ 24. The council shall cause to be kept in a journal an accurate record of all its proceedings, by-laws, acts, and orders, which shall be fully indexed, and shall be open to the inspection of any one who is entitled to vote for members of council.

Journal of council

"§ 25. At each meeting of the council, the proceedings of the last meeting shall be read to the council, and shall be thereupon corrected, if erroneous, and signed by the person who presided at the last meeting at the time of its adjournment. Upon the call of any member, the ayes and noes on any question before the council, shall be called, and recorded in the journal.

How kept; ayes and noes

"§ 26. The mayor and recorder shall have votes as members of the council, and in all cases of a tie, the person at the time presiding at the council, shall have a casting vote.

Casting vote

"§ 27. The council so constituted, shall have power within said town to lay off, open, curb, and pave streets, alleys, walks, and gutters for public use, and to alter, improve, and light the

Powers of council

same, and have them kept in good order and free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways, and gutters to be curbed and paved, and kept in good order, free, and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to lay off public grounds, and to provide, control, and take care of, all buildings proper for the town; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive, or unwholesome; to protect places of divine worship, and to prevent disturbance of public worship in and about the premises where held; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide, in or near the town, places for the burial of the dead, and to regulate interments in the town; to provide for the regular building of houses or other structures, and for the making of division fences; to make regulations for the purpose of guarding against danger or damage from fires; to provide for the poor of the town; to appoint and publish the places of holding town elections, and the time of holding special elections and polls; to provide a revenue for the town, and appropriate the same to its expenses, and to provide for the annual assessment of the taxable property and persons of the town; to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property of persons therein, and to preserve peace and good order therein; to keep a town guard, to appoint and order out a patrol for the town in like manner and for like purposes within the same as the patrol may be ordered out by the county court or a justice within the county, and to appoint such other officers as they may deem proper; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with sureties in such penalty as the council may see fit, conditioned for the true and faithful discharge of their duties, and remove them at pleasure. All bonds taken by the council shall be made payable to the town by its corporate name. To permit or prohibit the establishment of new places for interment of the dead in or near the town, and regulate the same, and to prevent violations of or injuries to any place of interment, and to protect the same; to erect, or authorize or prohibit the erection of gas works or water works in or near the town; to prevent injuries to or pollution of the same, or danger to the water and healthfulness of the town. For all which purposes named in this clause, the council shall have jurisdiction for one mile beyond the town in like manner as it has within the town. To regulate and provide for the weighing and measuring of hay, wood, coal, and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets. To carry into effect these enumerated powers, and all other pow-

Jurisdiction of
council

By-laws, ordi-
nances, &c.

ers conferred upon the said town or its council, expressly or by implication, in this or any other acts of the general assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws, and ordinances, not contrary to the constitution and laws of Virginia or of the United States, and to prescribe, impose, and enact reasonable fines and penalties, or imprisonments in the county jail for a term not exceeding thirty days. All of which fines, penalties, or imprisonment, shall be recovered before or enforced under the judgment of the mayor of said town, or of the person lawfully exercising his functions. And the authorities of the town shall have the right to use the jail of said county of Loudoun for any purposes for which the use of a jail may be needed by them, under the acts of council or of the state.

28. The council shall annually cause to be made up and entered upon its journal, an account and estimate of all sums which are or may become lawfully chargeable on the town, which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is necessary to be raised in that way in addition to the amount which may be raised from licenses and other sources.

" § 29. The levy so ordered, may be upon all male persons within the town over sixteen years of age, and on all real estate in said town which is not expressly exempted from state taxation, and all such other subjects in said town as may at the time be assessed with state taxes, against persons residing in the town: provided, that the tax do not exceed seventy-five cents on every one hundred dollars of the value of the real and personal property, or one dollar per head on each taxable person: and provided, that the concurrence of a majority of the whole council shall be necessary to pass any act levying taxes on any subject whatever.

" § 30. Whenever anything for which a state license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town. And the council may, in any case in which it sees fit, require from the person so licensed, a bond with sureties in such penalty and with such condition as it may think proper.

" § 31. The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order.

" § 32. The collector of the town taxes and levies shall have power to distrain and sell therefor in like manner as a sheriff may sell for state taxes, and shall have in all other respects the same powers as the sheriff to enforce the payment and collection thereof.

" § 33. The taxes on any real estate shall be a lien thereon from the time of their assessment; and if the taxes thereon are in arrear for two or more years, the council may order the said real estate to be rented out from time to time at public renting by the sergeant for a term of one year at each renting, and apply the rents until the taxes in arrear and accrued by the end of said term, and the costs and charges attending said

Fines, &c.

Annual estimate

Town levy

How assessed

Proviso

Town licenses

Revenue; how collected, &c.

Power of collector

Taxes a lien on real estate
Real estate may be rented out for such taxes

	renting shall have been paid, and the surplus paid to the owner.
Extent of lien	" § 34. There shall be a lien on real estate for the town taxes assessed thereon from the commencement of the year for which they are assessed.
How real estate may be sold for taxes, &c.	" § 35. The council may order and require real estate in the town delinquent for the non-payment of taxes, to be sold by the sergeant at public auction for the arrears, with interest thereon, with such per centum as the council may prescribe for charges, and the surplus shall be paid to the owner; and they may regulate the terms on which real estate so delinquent may be redeemed.
May prohibit shows, &c.	" § 36. The council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the town.
Sergeant's bond	" § 37. The council shall have power to require and take from the sergeant, bond, with surety satisfactory to the council, in such penalty as it may deem sufficient, conditioned for the faithful and impartial performance of his duty as sergeant, and for the collection and accounting for any payment of the fines, taxes, and other moneys of the town, which he shall be directed by the council to collect, at such times and to such person or persons as the council may order.
How sergeant may be removed, and vacancy supplied	" § 38. The council shall have power, with the concurrence of two-thirds of the whole council, to remove the sergeant from office for good cause, and to declare the office vacant; and whenever from any cause the office of sergeant shall be vacant, the mayor shall appoint a sergeant pro tempore, and the council shall order a special election to fill the vacancy for the unexpired term.
How subscriptions made to internal improvement companies	" § 39. The council may, by resolution adopted by a vote of a majority of members present, direct a poll to be opened to take the sense of the voters of said town, who have their domicile therein, on the question whether the council, on behalf of the town, shall subscribe to the stock of a company incorporated for a work of internal improvement in this state, or for the erection of any gas or water works (which or any part of which is to be in or near said town), an amount not exceeding a certain maximum, to be stated in the said resolution.
Time and place of election, and notice thereof	" § 40. The resolution shall designate a certain time and convenient place within said town for said poll, not less than one month from the date of the resolution; and the said resolution shall be duly published for one month in one or more of the newspapers printed in said town, or if it cannot be published in said papers, then by printed handbills posted conspicuously in said town.
Commissioners of such election	" § 41. The council shall appoint three or more of their own number as commissioners to superintend the said poll, who shall, before acting as such, take an oath or affirmation to discharge their duties truly, faithfully, and impartially. Said commissioners, at the time and place designated in the said resolution, and so published, shall proceed to open the polls.
Voters	They shall receive and record the votes of all such persons as are at the time qualified to vote for members of council, as

shall appear and offer to vote upon the question whether the council, on behalf of the town, shall or shall not subscribe to the stock of said company.

“§ 42. The said commissioners shall open a poll book, and cause to be entered therein, in a column to be headed “subscription,” the names of such of said voters who offer to vote and who are in favor of said subscription; and they shall, in like manner, cause to be entered in said book, in a column headed “no subscription,” the names of such of said voters who may offer to vote, and who are opposed to said subscription.

Poll books;
how kept

“§ 43. The commissioners shall, with the poll books, return a certificate of their oath or affirmation aforesaid, and shall, within five days after they are taken, certify the polls, and return them to the council.

How certified
and returned

“§ 44. If by the poll books it shall appear that three-fifths of all the votes polled upon the question are in favor of the said subscription, the council may subscribe, on behalf of the town, for stock in said company to an amount not exceeding the maximum named in said resolution; which subscription shall be binding upon said town in like manner as it would have been upon an individual subscriber had it been made by him.

When council
may subscribe

“§ 45. When such subscription is to be made, the council may, in the name and for the use of the corporation, as a provision for the payment of said subscription, contract loans, or cause to be issued certificates of debts or bonds; but said loans, certificates, or bonds shall be redeemable within a period of not more than thirty-four years.

How loans made
for payment of
such subscrip-
tion

“§ 46. Whenever such loan is made or such certificates or bonds are issued, the council shall annually set apart from the accruing revenues of the town, a sum equal to not less than seven per centum of the said loans, certificates, and bonds.

Sum to be set
apart for pay-
ment of such
loans

“§ 47. The fund thus set apart shall be called “the sinking fund,” and shall be applied to the payment of the interest of said loans, certificates, and bonds, and to the payment of the principal thereof, as the same may become redeemable and payable.

Sinking fund;
how applied

“§ 48. If after paying the interest, it exceed that part of the principal which is then redeemable, then the residue of the sinking fund shall be invested in stocks of the state of Virginia or of the United States, and applied to the said principal when redeemable.

How residue of
sinking fund to
be invested

“§ 49. The mayor shall be the chief executive officer of the town. He shall preside at the meetings of the council. He shall take care that the by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be ex-officio a conservator and justice of the peace within the town, and shall within the same exercise all the powers vested in the justices of the peace for the county. He shall have control of the police of the town, and may appoint special police officers when he deems it necessary. It shall be his duty especially to see that peace and good order are preserved, and the persons and property are protected within the town. He shall from time to time recommend to the council such measures as he

Mayor; his
powers and
duties

may deem needful for the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

Recorder; his powers and duties

"§ 50. The duty of the recorder shall be to keep the journal of proceedings of the council and have charge of and preserve the papers and records of the town. In the absence from town or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor, and be invested with all his powers. He shall be a conservator of the peace within the town. He shall receive for his services a compensation to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

When office of mayor and recorder vacant, how supplied

"§ 51. In case of the absence from town or sickness of both mayor and recorder, and in case the offices of mayor and recorder are both vacant at the same time, the council shall, by a vote of a majority present, appoint one of their own number to fill each office until the mayor or recorder return, or resume their duties, or a new election is had of said officers.

Sergeant; his powers and duties

"§ 52. It shall be the duty of the town sergeant to collect the taxes, fines, and other income and revenue of the town, as specified in his bond, and to account for and pay the same to such person or persons, and at such time as the council may order. He shall do and perform all the other acts appertaining to the office of sergeant of a corporation and of a police officer within said town, and as such shall have the same powers, fees, duties, and liabilities as are by law prescribed as to constables. He shall for his services receive a compensation to be fixed by the council, which shall not be diminished for the term for which he shall have been elected.

His oath and bond

"§ 53. Before entering upon the duties of his office, and within two weeks from the day of his election, he shall make oath or affirmation before the mayor, or person who for the time being shall preside at the council meeting, that he will truly, faithfully, and impartially discharge the duties of his office so long as he shall remain therein; and he shall, within said period, execute before the council, his bond as hereinbefore prescribed.

Proceedings against sergeant

"§ 54. And if the sergeant shall fail to collect, account for, and pay over all the taxes, fines, and other revenue of the town in his hands for collection, according to the condition of his bond, it shall be lawful for the council to recover the same, by motion, in the corporate name of the town, before any court of said county of Loudoun, against the obligors in his said bond, or any or either of them, his or their heirs, executors, or administrators, on giving at least ten days' notice of such motion.

Town exempt from poor rates and road tax; when

"§ 55. The said town and the taxable persons and property therein, shall be exempt and free from the payment of any poor rates or road tax, and from contributing to any county expenses for the poor or the roads and bridges of said county, for any year in which said town shall, at its own expense, provide for its own poor and shall keep its own streets in order.

" § 56. All the rights, privileges, and properties of the said town, heretofore acquired and possessed, owned and enjoyed, under any act now in force, shall continue undiminished and remain vested in said town under this act; and all the laws, ordinances, acts, and resolutions of council now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided for under this act.

Former rights,
&c., continued

" § 57. This act shall be in force from its passage."

Commence-
ment

CHAP. 223.—JOINT RESOLUTION for Removal of Books over the Portico of the Capitol.

Approved July 9, 1870.

Resolved (the house of delegates concurring), That the superintendent of public buildings be authorized and required, under direction of the secretary of the commonwealth, to remove to an eligible room or building the books now stored in a room over the portico of the capitol.

For removal of
books over por-
tico of capitol

CHAP. 224.—An ACT to Amend and Re-enact Sections One and Five of Chapter Ninety-Five of the Code of eighteen hundred and sixty, as Amended and Re-enacted by Act of Assembly passed February 16, 1867, Concerning Harbor Masters and Dock Masters.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That the first and fifth sections of chapter ninety-five, as amended and re-enacted by an act of the general assembly passed February sixteen, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows:

Code of Va.,
chap. 95, § 1 and
5, amended, as
to harbor mas-
ters, &c.

" § 1. The councils of the cities of Richmond, Alexandria, Norfolk, and Portsmouth may, at any time, each, appoint one or more harbor masters, not exceeding three in office at the same time, appointed by the same authority, and shall take from each person so appointed, a bond to the commonwealth in the penalty of five hundred dollars. The persons so appointed shall have separate jurisdiction over the ports of said cities respectively, and shall hold their offices at the pleasure of the council or councils which appointed them."

" § 5. The court of any county or corporation (except the cities of Richmond, Alexandria, Norfolk, and Portsmouth) may, at any time, appoint one or more harbor masters, and shall take from each person so appointed, a bond to the commonwealth in the penalty of five hundred dollars."

2. This act shall be in force from its passage.

Commence-
ment.

CHAP. 225.—An ACT to Amend and Re-enact the Fifty-ninth Section of an Act Approved the 11th day of May, 1870, entitled an Act to Provide for a General Election.

Approved July 9, 1870.

Act providing
for general elec-
tion amended,
extending time
for qualification

1. Be it enacted by the general assembly, That the fifty-ninth section of an act approved the eleventh day of May, eighteen hundred and seventy, entitled an act to provide for a general election, be amended and re-enacted so as to read as follows:

§ 59

“§ 59. The removal of any county, corporation, or township officer from the county, corporation, or township in which such officer was elected, shall vacate his office; or if he fail to qualify and give bond, when a bond is required, in the time prescribed by law for the commencement of his term of office, his office shall for that cause be vacant: provided, that township officers elected May the twenty-sixth, eighteen hundred and seventy, shall have until the first day of August, eighteen hundred and seventy, to qualify and give bond.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 226.—An ACT Imposing Taxes for the Support of Government and Free Schools, and to Pay the Interest on the Public Debt.

Approved July 9, 1870.

Taxes on per-
sons and pro-
perty for year
commencing
February 1, 1870

1. Be it enacted by the general assembly, That the taxes on the persons and subjects required by the act in force April eighth, eighteen hundred and seventy, entitled an act in relation to commissioners of the revenue; by an act approved June twenty-ninth, eighteen hundred and seventy, entitled an act for the assessment of taxes; and by an act approved June twenty-ninth, eighteen hundred and seventy, entitled an act in relation to the assessment of taxes on licenses, to be listed and assessed; and on business or other subjects not required to be listed under said acts, but to be taxed, shall, for the year commencing on the first day of February, eighteen hundred and seventy, and each year thereafter, be as follows:

Taxes on lands and lots.

On lands and
lots

2. On tracts of lands and lots, and the improvements thereon not exempt from taxation, railway and tracks and canal beds, fifty cents on every hundred dollars on the assessed value thereof; the proceeds of one-fifth whereof shall be applied to the support of the public free schools of the state.

Collateral inheritances.

Collateral
inheritances

3. Upon any estate of a decedent which shall pass by his will, or upon his intestacy, to any person other than his lineal

descendants, or his father, mother, husband, wife, brother, sister, nephew, or niece, six per centum upon the value or amount thereof.

SCHEDULE A.

Persons.

4. Upon every male person over the age of twenty-one ^{Persons} years, not exempted from taxation for bodily infirmity, one dollar for public free school purposes.

SCHEDULE B.

Personal property.

5. On the personal property mentioned in schedule B, of ^{Personal property} the second above-mentioned act, fifty cents on every hundred dollars value thereof; the proceeds of one-fifth whereof shall be applied to the support of the public free schools of the state.

SCHEDULE C.

Personal property in choses in action, &c., and toll bridges.

6. On all personal property in choses in action, &c., and toll ^{Choses in action, &c., and toll bridges} bridges and ferries, as embraced in schedule C of said act, fifty cents on every hundred dollars value thereof; the proceeds of one-fifth whereof shall be applied to the support of the public free schools of the state.

SCHEDULE D.

Income.

7. On the income derived from interest or profits, as the ^{Income} same is defined in schedule D of said act, exceeding fifteen hundred dollars, the tax shall be two and one-half per centum on such income.

ON BUSINESS AND OTHER SUBJECTS.

On railroad and canal companies.

8. On the net earning of every railroad company received, ^{Railroads} or realized though not received, the tax shall be two and one-half per centum on such net earnings for each quarter of a year; to be ascertained and paid into the treasury as prescribed in section forty-eight of the second aforesaid act.

9. On the net earnings of every canal company received, or ^{Canals} realized though not received, the tax shall be two and one-half per centum on such net earnings for each quarter of a year; to be ascertained and paid into the treasury as prescribed in section forty-eight of the second aforesaid act.

On express companies.

Express companies

10. On the net earnings of every express and transportation company, the tax shall be five per centum on such net earnings for each quarter of a year; to be ascertained and paid into the treasury as is prescribed in section forty-nine of the second aforesaid act.

On savings banks and insurance companies.

Insurance companies and banks

11. On the capital stock of all insurance companies and banks, located and doing business in this state, fifty cents on the one hundred dollars, and on the income of same, in excess of fifteen hundred dollars, two and one-half per centum.

Foreign insurance companies.

Foreign insurance companies

12. On the assessments collected and the premiums received, and obligations for such premiums, taken by any foreign insurance company, the tax shall be two and one-half per centum on the amount thereof; to be paid into the treasury in the manner prescribed by section fifty of said act.

On wills and administrations.

Wills, &c.

13. On the probate of every will or grant of administration, not exempt by law, there shall be a tax of one dollar, where the estate passing by such will, or coming into the hands of such administrator, shall not exceed one thousand dollars; and for every additional one hundred dollars, or fraction of one hundred, an additional tax of ten cents.

On deeds.

Deeds, &c.

14. On every deed, not exempt by law, admitted to record, and on every contract relating to real estate, whether it be a deed or not, which is admitted to record, the tax shall be one dollar, where the consideration of such deed or contract does not exceed one thousand dollars; and where the consideration shall exceed one thousand dollars, an additional tax of ten cents on every hundred dollars, or fraction of one hundred dollars of such consideration; but any deed, will, or contract may be recorded in the same office where the record containing such deed, will, or contract has been destroyed by fire or otherwise, free of the state tax: provided, that but one such tax shall be collected on any such deed or contract.

On suits.

Suits

15. First—When any original suit, notice, ejectment, or attachment (other than a summons to answer a suggestion, sued out under the eleventh section of chapter one hundred and eighty-eight of the Code), or other action, except a suit in

chancery, is commenced in a circuit, county, or corporation court, there shall be a tax thereon, if the amount of debt or demand for damages shall not exceed five hundred dollars, of one dollar; and when the debt or demand for damages exceeds five hundred dollars, there shall be an additional tax of ten cents for every hundred dollars, or fraction of one hundred dollars of such debt or demand.

Second—Upon every appeal, writ of error, or supersedeas Appeals, &c. in a circuit court, there shall be a tax thereon of three dollars; and upon every appeal, writ of error, or supersedeas in the supreme court of appeals, there shall be a tax of six dollars.

Third—Upon every chancery suit originating either in a Chancery suits county, corporation, or circuit court, there shall be a tax of one dollar.

16. No clerk shall issue any writ, or docket any motion, writ of error, supersedeas, or appeal, or record any deed or will, or grant any letters or certificate of administration, until the tax thereon shall be paid. The clerk shall report to the auditor of public accounts on the first day of June, September, December, and March in each year, the amount of such taxes assessed and received by him during the preceding quarter, and shall pay into the treasury within fifteen days after the expiration of such quarter, the amount received by him therefrom, deducting a commission of five per centum. Duty of clerk as to tax
His report to auditor

Seals.

17. When the seal of the state, of a court, or a notary public is affixed to any paper, except in the cases exempted by law, the tax shall be as follows: For the seal of the state, two dollars; and for the seal of a court or notary, fifty cents; and herein shall be included a tax on a scroll, or an impression upon paper, in the place of a seal. Seals

L I C E N S E S.

SCHEDULE A.

Commission merchants.

18. The specific license tax on every commission merchant or firm shall be thirty-five dollars; and there shall be a tax of three per centum on the amount of his commissions, to be ascertained and determined in the manner, and under the rules, reports, and restrictions prescribed in the third act above mentioned, in relation to sales of liquor merchants. Commission merchants

Liquor merchants.

19. The specific license tax to every person for the privilege of selling, by wholesale and retail, wine, ardent spirits, malt liquors, cider, or any mixture of any of them, shall be one hundred dollars; if by retail only, fifty dollars; and there Liquor merchants

shall be an additional tax on the amount of sales, to be ascertained in the manner prescribed in the third section of the act last aforesaid, as follows: If the sales be under one thousand dollars, the tax shall be five dollars; if one thousand dollars and under two thousand dollars, ten dollars; if two thousand dollars and under three thousand dollars, fifteen dollars; if three thousand dollars and under five thousand dollars, twenty dollars; if five thousand dollars and under eight thousand dollars, thirty-five dollars; if eight thousand dollars and under twelve thousand dollars, forty-five dollars; if twelve thousand dollars and under eighteen thousand dollars, sixty dollars; if eighteen thousand dollars and under twenty-five thousand dollars, seventy dollars; if twenty-five thousand dollars and under thirty-five thousand dollars, eighty-five dollars; if thirty-five thousand dollars and not over fifty thousand dollars, one hundred dollars; and if over fifty thousand dollars, five dollars for every ten thousand dollars excess over the said sum of fifty thousand dollars. And the commissions, if sold by a commission merchant, shall be ascertained as prescribed in the next preceding section of this act, and to be taxed as his other commissions are taxed. The amount of sales shall be ascertained in the manner prescribed in the third and fourth sections of the act last aforesaid, and be taxed as other sales of said liquor merchant are taxed; and the commissions, if sold by a commission merchant, shall be ascertained as prescribed in the next preceding section of this act, and be taxed as his other commissions are taxed. But nothing contained in this section shall be construed to impose any tax on apothecaries for selling wine or ardent spirits, or any mixture thereof, on the written prescription of a physician.

Commissions; how ascertained

Amount of sales; how ascertained

Sale of ardent spirits by apothecaries

Sample merchants.

Sample merchants 20. The specific license tax on every person for the privilege of selling by sample, card, or other representation, shall be two hundred dollars.

Peddlers.

Peddlers
Resident mechanics 21. The specific license tax on every person for the privilege of peddling and bartering, shall be fifty dollars; but no resident mechanic shall be taxed for the privilege of peddling or bartering articles manufactured by himself in this state: provided, that the proceeds of such traffic shall not exceed two hundred dollars per annum.

Junk dealers.

Junk dealers 22. The specific tax on every junk dealer shall be fifty dollars; and the specific tax on every person for canvassing any county or corporation, or any part thereof, for the purpose of buying any junk or other matters or things for any junk dealer, or for sale to a junk dealer, shall be ten dollars.

Patent rights.

23. The specific license tax on every person who shall sell Patent rights or barter the right to manufacture or use machinery, or other thing patented under the laws of the United States, except the patentee, if he is a citizen of the United States, shall be twenty-five dollars.

Land agent.

24. The specific license tax upon a land agent shall be fifty Land agent dollars, and five per centum upon the excess of his commissions on sales over five hundred dollars, to be ascertained and charged as is provided in the case of liquor merchants: provided, that where there is a firm of land agents, doing business at one locality, said tax shall be on the firm, and not on each member thereof.

Book agents.

25. The specific license tax upon a book agent shall be ten Book agents dollars; but the court of the county or corporation may reduce or dispense with this tax in the cases mentioned in the tenth section of the act last aforesaid.

General auctioneers.

26. The specific license tax on a general auctioneer to sell General auctioneers shall be twenty dollars; and if the place of business is in a city or town having, when assessed, a population of more than five thousand inhabitants, two dollars for every thousand above that number; but said specific tax shall in no case exceed one hundred dollars; and he shall pay an additional tax of one-fourth of one per centum on the amount of sales for the year, to be ascertained and charged as is provided in the case of liquor merchants. If he sells wine, ardent spirits, malt liquors, or any mixture thereof, he shall pay a tax of one-half of one per centum on the amount of sales, to be ascertained and charged as his other sales are ascertained and charged.

Real estate auctioneers.

27. The specific license tax on a real estate auctioneer to Real estate auctioneers sell, shall be fifty dollars; and if the place of business is in a city or town containing, when assessed, a population exceeding five thousand inhabitants, one hundred dollars; and he shall pay an additional tax of one-fourth of one per centum upon the amount of sales, to be ascertained and charged as is provided in the case of liquor merchants.

*Tobacco auctioneers.*Tobacco
auctioneers

28. The specific license tax on a tobacco auctioneer to sell, shall be thirty dollars.

Common criers.

Common criers

29. The specific license tax upon a common crier to sell, shall be ten dollars.

SCHEDULE B.

LICENSES ON SUBJECTS CONTAINED IN SCHEDULE B.

*Canvassing to buy.*Tax on canvass-
ing

30. The specific license on every person canvassing any county or corporation, or any part thereof, for the purpose of buying any matters of subsistence, except as is excepted in section nineteen, schedule B, of the act last aforesaid, shall be thirty dollars.

BROKERS.

Ship brokers.

Ship brokers

31. The specific license tax on a ship broker shall be twenty dollars.

*Stock brokers and private bankers.*Stock brokers
and private
bankers

32. The specific license tax on a stock broker shall be two hundred and fifty dollars; and the specific tax on a private banker shall be two hundred and fifty dollars; but when a person or firm is assessed with both licenses, the specific tax shall be four hundred dollars; and in either case, an additional tax of five per centum upon the profits of the preceding year, derived from commissions or otherwise, to be ascertained as is provided in the case of liquor merchants.

Pawn brokers.

Pawn brokers

33. The specific license tax on a pawn broker shall be one hundred dollars.

*Manufacture of wine, ardent spirits, and malt liquors.*Manufacturer or
distiller of
liquors; tax

34. The specific license tax on any person to engage in manufacturing or distilling ardent spirits, shall be thirty dollars, and for manufacturing malt liquors, twenty-five dollars, except as is excepted in section twenty-two of the act last aforesaid; and an additional tax of two and a half cents for every gallon of ardent spirits to be manufactured or distilled.

SCHEDULE C.

Ordinaries.

35. The specific license tax on any person to engage in the business of keeping an ordinary, shall be fifty dollars; and an additional tax of eight per centum on the annual rent, to be ascertained in the manner provided in section twenty-four of the last aforesaid act. Ordinaries

Private entertainment.

36. The specific license tax on any person to engage in the business of keeping a house of private entertainment shall be five dollars, and an additional tax of five per centum on the annual rent over one hundred dollars, to be ascertained in the manner provided in section twenty-fifth of said act. Private entertainment

Boarding house.

37. The specific license tax on any person to engage in the business of keeping a boarding house, except as is excepted in section twenty-six of said act, shall be five dollars; and an additional tax of two per centum on the rent or annual value of such house. Boarding house

An eating house.

38. The specific license tax on any person to engage in keeping an eating house shall be thirty dollars; and if he shall obtain a license to retail to his guests wine or spirituous or malt liquors, to be drunk at such eating house, he shall pay an additional tax of sixty dollars. Eating house

Bakery.

39. The specific license tax to any person to keep a bakery shall be five dollars; and an additional tax of one-half of one per centum on the value of the articles baked for sale, to be ascertained in a manner similar to that in which liquor merchants' sales are ascertained: provided, this section shall not apply to any person keeping a bakery where the amount of sales does not exceed the sum of one hundred and fifty dollars per annum. Bakery

Bowling saloon.

40. The specific license tax on any person to keep a bowling saloon shall be fifty dollars; and an additional tax of fifteen dollars for each alley exceeding one. Bowling saloon

Billiard saloon.

Billiard saloon 41. The specific license tax on any person to keep a billiard table shall be one hundred dollars, and an additional tax of fifty dollars for each additional table kept or to be kept therein. If the license be for a bowling or billiard saloon at a watering place, and is for four months or less, the tax thereon shall be fifty per centum of the taxes aforesaid.

Bagatelle saloon.

Bagatelle saloon 42. The specific license tax on any person to keep a bagatelle table shall be twenty dollars, and an additional tax of ten dollars for each additional table kept or to be kept therein.

SCHEDULE D.

Theatres.

Theatres 43. The specific license tax on any theatrical performance shall be three dollars for each performance, or ten dollars for each week of such performances, and an additional tax of one per centum of the gross receipts of such performance.

Shows, circuses, and menageries.

Shows, &c. 44. The specific license tax on every show, on each performance of every circus, and on the exhibition of a menagerie, shall be ten dollars on each show, circus, or menagerie, and in addition to the specific tax aforesaid, there shall be a tax of five per centum of the gross receipts derived from such show, circus, or menagerie.

Public rooms.

Public rooms 45. The specific license tax on every proprietor or occupier of a public theatre, or other rooms fitted for public exhibitions, to use the same for compensation, shall be twenty dollars.

SCHEDULE E.

Attorneys at law.

Attorneys at law 46. The specific license tax on every attorney at law shall be ten dollars.

Physicians, surgeons, and dentists.

Physicians, surgeons, and dentists 47. The specific license tax on every physician, surgeon, or dentist, shall be ten dollars.

Daguerrean artists.

48. The specific license tax on any person to engage in the business of a daguerrean artist shall be twenty dollars; and if the place of business is in a city or town containing more than five thousand inhabitants and less than ten thousand, the tax shall be thirty dollars; and if in a place of more than ten thousand and less than twenty thousand, forty dollars; and if more than twenty thousand, fifty dollars.

Stallions and jackasses.

49. The specific license tax for letting to mares any stallion or jackass shall be twice the highest amount charged for the services: provided, such tax shall in no case be less than eight dollars.

Agents for renting houses.

50. The specific license tax on any person to act as agent for the renting of houses shall be thirty dollars.

Storage and impounding.

51. The specific license tax to keep for compensation any house, yard, or lot for storage, or a wagon yard or other impounding, shall be as follows: on every house, the tax shall be twenty-five dollars, except that in a city or town whose population exceeds five thousand, the tax shall be fifty dollars, and on every yard or lot, ten dollars.

Livery stable.

52. The specific license tax to keep a livery stable shall be twenty dollars; but in a city or town containing a population exceeding ten thousand, the tax shall be fifty dollars.

Foreign insurance companies.

53. The specific license tax on every person to act as agent for any foreign insurance company, shall be twenty-five dollars for each agency; but in a city or town containing a population exceeding ten thousand, the tax shall be thirty-five dollars for each agency.

Telegraph companies.

54. The specific license tax to any telegraph company, agent, or officer thereof, for operating for compensation the apparatus necessary to communicate by telegraph, shall be five hundred dollars, and an additional tax of one per centum on the earnings of said company received, or realized though not received, during the year next preceding.

On the sale of cattle, sheep, and hogs.

Tax on sale of
cattle, &c.

55. A license shall be required of persons who sell for others on commission or for profit, or whose business it is to buy and sell for profit, and not for feeding or grazing for as long as two months, horses, mules, asses, jennets, cattle, sheep, and hogs, or any of them; and on such a person the license tax shall be ten dollars. If such live stock be fed or grazed, by the person purchasing them, for two months or more, they may be sold by him without a license.

Commence-
ment

56. This act shall be in force from its passage.

CHAP. 227.—An ACT to Provide for the Care and Preservation of the Books and Papers of County Surveyors, and for the Appointment of Special Surveyors.

Approved July 9, 1870.

Clerk of county
court to take
charge of sur-
veyor's books,
&c.

1. Be it enacted by the general assembly of Virginia, That until the office of county surveyor shall be provided by law, and officers elected thereto, for the counties of the commonwealth, it shall be the duty of the county court clerk of each county of the commonwealth, to take charge of and preserve the surveyor's books and papers of his county, and grant copies from said books of records therein, which, when attested by the said clerk, shall be admissible in evidence in all cases, and with the same effect as if they had been certified by a surveyor regularly qualified. The clerks, in such cases, shall be subject to the same regulations, and liable to the same penalties and damages for negligence or misbehavior, as a surveyor would be, and shall be entitled to the same fees.

How clerk to
apply for same

2. It shall be the duty of said clerk, within twenty days after the passage of this act, to apply to the last surveyor of his county, or to such other person as he may know to be in possession of said books and papers, for the delivery of the same. Any clerk failing to make such application within the time specified, and any such surveyor or person failing to make immediate delivery of said books, when such application is made for the same, shall be liable to a fine of thirty dollars.

Special sur-
veyor; when
appointed

3. When a survey is necessary to be made, before the office of surveyor shall be constituted, and officers thereto elected, the county or circuit court of the county in which such survey is to be made, shall appoint a special surveyor to make it. His survey, when made and returned according to the order of court and other legal requirements, shall be as effectual as it would have been, under laws heretofore existing, when made by a county surveyor.

His liability

4. Such special surveyor, in the performance of the duties for which he is appointed, shall be subject to the laws heretofore existing, applicable to the county surveyor in the performance of similar duties.

5. Sections seven and eight of chapter one hundred and eleven, of the Code of eighteen hundred and sixty, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Code of Va.,
chap. 111, § 7
and 8, repealed

6. This act shall be in force from its passage.

Commence-
ment

CHAP. 228.—An ACT Legalizing the Election held in the City of Williamsburg on the 26th day of May, 1870, for the Election of City Officers.

Approved July 9, 1870.

Whereas, it appears that the qualified voters of the city of Williamsburg, at the election held according to law on the fourth Thursday in May, eighteen hundred and seventy, voted for and elected a mayor, twelve councilmen, four justices of the peace, one sergeant, one city treasurer, one commissioner of the revenue, one collector, one overseer of the poor, and one street commissioner; and it appearing that, under the constitution and laws of the state, and the charter of said city, said city is entitled to said officers, and that the qualified voters were entitled to vote for and elect the same on the fourth Thursday aforesaid: therefore,

Preamble

1. Be it enacted by the general assembly of Virginia, That the election held in the city of Williamsburg on the fourth Thursday of May, eighteen hundred and seventy, as aforesaid, be and the same is hereby ratified and confirmed, and the several officers returned as elected at said election are authorized to enter upon the discharge of their several duties on the first day of July, eighteen hundred seventy, or as soon thereafter as they may be qualified.

Certain election
in Williamsburg
ratified

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 229.—An ACT Authorizing the Supreme Court of Appeals to Prescribe Rules Regulating Practice and Pleadings, and to Establish the Forms of Pleadings and of Process.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That to the end of promoting uniformity in the practice of the courts of this commonwealth, and brevity and succinctness in all pleadings and proceedings in the said courts, and of preventing expense and delays, it shall be the duty of the supreme court of appeals, as soon as practicable, to prepare a system of rules to regulate the practice in the said courts, to prepare a system or systems of pleadings, to be used in the said courts; and to prepare the forms of such pleadings, and of the process to be used in said courts.

Supreme court
to prescribe
rules of practice
and prepare sys-
tem of pleading

Report to general assembly

2. That the said court of appeals, so soon as they shall have prepared the system of rules and pleadings provided for in the foregoing section, shall report their proceedings under this act to the general assembly, in order to farther legislation in the premises.

Commencement

3. This act shall be in force from its passage.

CHAP. 230.—An ACT to Provide for the Removal of Causes and the Transfer of all Papers, Records, Judgments, and Decrees, from the Court of Hustings for the town of Harrisonburg, to the County Court of Rockingham.

Approved July 9, 1870.

Causes pending in hustings court of Harrisonburg to be removed to county court of Rockingham and there disposed of

1. Be it enacted by the general assembly of Virginia, That all causes and matters now pending in the court of hustings for the town of Harrisonburg, shall be and they are hereby transferred to the county court of Rockingham, and the clerk of said county court shall transfer to the docket of his said court the causes and matters pending and undetermined in said court of hustings, and all papers and records in said causes and matters shall be transferred to, and remain in the custody of, the clerk of said county court.

Duty of clerk of said county court as to such papers, &c.

2. The clerk of said county court shall receive, take charge of, and preserve, as part of the records of said county, all papers, causes, records, judgments, executions, and all papers and records of every kind which, by the law heretofore existing, were in said court of hustings, either as a record, or as papers in a cause, or in any other form, and which the clerk of said court of hustings was, under the law, required to take care of and preserve.

Validity of acts heretofore done in said hustings court, or in the office thereof

3. That every deed admitted to record in the clerk's office of said court and the recordation thereof; every judgment and decree rendered in said court and the docketing thereof; every execution issued from said clerk's office, and every proceeding and record, of whatever description, had in said court or in said office, shall be of the same force, virtue, and effect, as if said deed had been admitted to record in the clerk's office of the county court of Rockingham, or if said judgment or decree had been rendered in the said county court, and the docketing thereof had been in the clerk's office of said court; or if said proceeding or record, of whatever description, had been had in the said county court, or in the clerk's office thereof, at the same date.

Appeals from decisions of; to what court certified and remanded

4. That if any cause formerly or now pending in said court of hustings, shall have been or shall hereafter be taken to an appellate court, then the affirmance of the judgment or decree rendered* in any such cause shall be certified to the clerk of said county court, and upon reversal of any such judgment or decree, the cause shall be remanded (if such order be necessary) to the said county court for further proceedings.

Commencement

5. This act shall be in force from its passage.

CHAP. 231.—An ACT to Amend the Second Section of Chapter Thirty-seven of the Code, Edition of 1860.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That section two of chapter thirty-seven of the Code of Virginia, edition of eighteen hundred and sixty, as amended by the act entitled an act to amend the second section of chapter thirty-seven of the Code, edition of eighteen hundred and sixty, passed February twenty-eight, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows:

Code of Va.,
chap. 37, § 2,
amended

“§ 2. In the month of April, May, or June, of the year eighteen hundred and seventy-one, and in one of those months every five years afterwards, the said auditor shall cause to be delivered to the sheriff or collector of the taxes for each county or corporation, a list of the real estate therein, which, since the first day of February, eighteen hundred and sixty-five, shall have been or shall hereafter be returned delinquent for taxes, and on which taxes due since the said first day of February, eighteen hundred and sixty-five, remain unpaid, with a statement of the amount due for the taxes on each tract or lot so returned, and for interest on such taxes.”

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 232.—An ACT to Amend and Re-enact Section Twenty-Three of Chapter Forty-Nine of the Code of Virginia of 1860.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That section twenty-three of chapter forty-nine of the Code of Virginia, be amended and re-enacted so as to read as follows:

Code of Va.,
chap. 49, § 23,
amended so as
to allow circuit
court to appoint
crier
§ 23

“§ 23. But the circuit, county, or corporation court of any county or corporation, in the case provided for in the twentieth section, instead of leaving the duties of sheriff or sergeant to be performed by a coroner or constable, or in any case where there is no officer to execute the processes and orders of said court, may appoint a crier for said court, who shall perform all the duties pertaining to the office of sheriff or sergeant therein, except such as relate to the collection of the taxes, levies, militia fines, and officers' fees. And though persons be acting in any county as sheriff or deputy sheriff, or in any corporation as sergeant or deputy sergeant, yet when it is unfit from any cause for the sheriff or sergeant or their deputies to serve any process, or to summon a jury, the court in which the case is pending, may, instead of leaving these duties to be performed by a coroner or constable, appoint some other person to perform the same.”

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 233.—An ACT to Amend and Re-enact Section Four of Chapter Sixty-Five of the Code of 1860, in Relation to Incorporations by Circuit Courts.

Approved July 9, 1870.

Code of Va.,
chap. 65, § 4,
amended

§ 4

How charter
may be
amended, &c.

Inconsistent
acts repealed

Commence-
ment

1. Be it enacted by the general assembly, That the fourth section of chapter sixty-five of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

"§ 4. Any five or more persons who shall desire to form a company for the conduct of any enterprise or business, which may lawfully be conducted by private individuals, may make, sign, and acknowledge before any justice of the peace or notary public, a certificate in writing, setting forth the name of the company, the purposes for which it is formed, the capital stock and its division into shares, the amount of real estate proposed to be held, the place in which the principal office is to be kept and the chief business to be transacted, and the names and residences of the officers who, for the first year, are to manage the affairs of the company. This certificate may be presented to the circuit court of the county or city in which the principal office of the company is to be located, or to the judge thereof in vacation. The said court or judge shall have a discretion to grant or refuse to said persons a charter of incorporation upon the terms set forth in the said certificate, or upon such other terms as may be adjudged reasonable. If the charter be granted, it shall be recorded by the clerk of the said court in a book to be provided and kept for the purpose, and shall be certified by said clerk to the secretary of the commonwealth, to be in like manner recorded in his office; and thereafter, the court may, upon proper notice to the parties, alter or amend said charter; and such alteration or amendment shall be recorded by said clerk as hereinbefore provided for recording charters."

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 234.—An ACT Concerning Pilotage on the Potomac River.

Approved July 9, 1870.

Board of exam-
iners; how
appointed

Pilot's qualifi-
cations

1. Be it enacted by the general assembly of Virginia, That any court of record for the city or county of Alexandria shall, upon the application of any person interested, appoint five persons, one of whom shall be a pilot of the Potomac river, to constitute a board of examiners to examine applicants for branches as pilots for the said river. The board of examiners, when appointed, shall meet in the city of Alexandria. Every person applying to the board of examiners to be licensed as a pilot, shall satisfy them of his citizenship and of his good character, and that he is qualified by knowledge, service, and

experience to act as a pilot for the Potomac river. The board of examiners shall take bond, with good security, from each pilot, in the penalty of five hundred dollars, conditioned for the faithful performance of his duty; and shall return the same for safe-keeping to the clerk of the court by which they were appointed. Each pilot licensed by the board of examiners shall pay them a fee of five dollars.

2. The board of examiners shall determine how many pilots are necessary, and may increase or diminish the number of the same as they shall deem necessary for the protection of commerce: provided, however, that there shall not be a less number than six branch pilots.

3. The branch pilots, when regularly licensed, shall constitute a board of pilots for the Potomac river, and they shall keep on the pilot station, to wit: Between Point Lookout and Ragged Point, one good and suitable pilot boat, to cruise on said station under rules and regulations to be determined by the board of examiners.

4. Every pilot shall renew his branch or license every year, in the month of April or May; and no renewals shall be granted at any other time, or new licenses applied for, unless by sickness or other unavoidable occurrence the application therefor within the time designated was prevented. For each renewal of a license, the pilot shall pay to the board of examiners a fee of one dollar and fifty cents. And the board of examiners may renew any license or not, as they may think proper. At the time of renewing any such license, the said board of examiners shall require a new bond from the applicant, if in their judgment the same be necessary.

5. If any person, not a member of the board of pilots, shall take upon himself to conduct or pilot, on the Potomac river, directly or indirectly, any sea-going vessel of which he is not a regular officer or hand, employed for the whole voyage, he shall forfeit his boat and equipments, and pay to the pilot who detects him, the sum of one hundred dollars, and be imprisoned for three months in the county jail.

6. The board of examiners may make such rules and orders for the government and regulation of pilots licensed by them, as they may think proper, not contrary to the provisions of this act; and they may, by their order, deprive any pilot of his license, or suspend him for a limited period, for breaking such rules or orders, or omitting anything required by the same, or for acting in any manner contrary thereto, or contrary to the provisions of this act. And if any pilot, so suspended or deprived of his license, shall, during the time of his suspension or deprivation, take upon himself to conduct or pilot any sea-going vessel upon the Potomac river, he shall be liable to the punishment contained in the preceding section.

7. The said branch pilots are authorized to demand and collect from all sea-going vessels navigating the Potomac river, and employing them, pilotage or fees at the following rates, to wit: on all vessels drawing under fifteen feet, inward bound, two dollars per foot; outward bound, one dollar and seventy-five cents per foot. On all vessels drawing over fifteen feet,

Proviso	inward bound, two dollars and fifty cents per foot; outward bound, two dollars and twenty-five cents per foot: provided, however, that any sea-going vessel, sailing under a coasting license, may obtain from the board of pilots, upon paying the sum of five dollars therefor, a written permission to navigate the Potomac river for twelve months thereafter, exempt from pilotage. All sea-going vessels, not having such written permission, and refusing to employ any one of the said board of pilots who may offer his services thereto, shall pay to such pilot half pilotage.
Penalty for vessel refusing pilot	
Detaining pilot on board	8. Any pilot, being detained on board any sea-going vessel, shall be entitled to three dollars for each day he may be so detained, to be paid by the master, owner, agent, or consignee of such vessel. If any such pilot be carried beyond the limits of his state against his will, he shall be entitled to recover the sum of three hundred dollars from the master or owner of the vessel upon which he may have been carried away. All vessels having a branch pilot, and arriving at the pilot station, shall remain there fifteen hours after arrival, if required, to give such pilot an opportunity to be taken off, under a penalty of fifty dollars.
How long vessel to remain at pilot station	
Employing other than branch pilot, a misdemeanor	9. Any master of a sea-going vessel navigating the Potomac river, and bound to or from a port or place within this state, who shall employ any person other than a branch pilot to conduct or pilot his vessel, shall be deemed guilty of a misdemeanor.
Where offender prosecuted	10. Any person offending against this law may be prosecuted in any city or county in this commonwealth, within which he may be arrested.
Commencement and repeal of acts heretofore concerning pilotage on Potomac river	11. This act shall be in force from and after its passage; and all laws heretofore made concerning pilotage on the Potomac river, shall be and they are hereby repealed.

CHAP. 235.—An ACT to Provide for Filling the Office of Superintendent of the Poor.

Approved July 9, 1870.

Superintendent of poor; how elected	1. Be it enacted by the general assembly, That it shall be the duty of the board of supervisors of each county, when they meet to fix the county levy for the year eighteen hundred and seventy, to elect a superintendent of the poor for each county, whose duty it shall be to perform all the duties of superintendent, and who shall hold his office until his successor is elected and qualified under the provisions of the constitution.
Commencement	2. This act shall be in force from its passage.

CHAP. 236.—An ACT to Provide for an Election in Towns of less than Five Thousand Inhabitants.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That in all towns within this commonwealth of less than five thousand inhabitants, in which there has been no election of officers to which such town is entitled, either under its charter or any general law of this commonwealth, an election for such officers may be held on Thursday, the twenty-eighth day of July, eighteen hundred and seventy.

Election of officers in towns of less than 5,000 people; when held

2. It shall be lawful, and it is hereby made the duty of the judge of the county court in which such town is located, as soon after the passage of this act as practicable, to appoint for such town or corporation, a register, who shall proceed, as soon as possible, to register all the qualified voters of such town, according to the provisions of an act approved April twelfth, eighteen hundred and seventy, and the acts amendatory thereto, entitled an act to provide for a general registration of voters; and the said judge shall also select and appoint three competent male citizens for each voting place within such town or corporation, who shall be the judges of elections, and whose duties shall be the same as those defined by an act approved May eleventh, eighteen hundred and seventy, and the acts amendatory thereto, entitled an act to provide for a general election.

Registration of voters

Judges of elections

3. The officers so elected shall, within thirty days after their election, qualify as is provided for by the terms of the charter, or before the judge of the county in which such town is located, or some other officer authorized to administer oaths, and shall, so soon as they qualify, enter upon the discharge of their duties, and continue in office until the next general election to be held for such town, either under their charters or any general law of the state, and until their successors, so elected, shall have qualified.

Officers elected; when to qualify, and their term of office

4. This act shall be in force from its passage.

Commencement

CHAP. 237.—An ACT to Amend and Re-enact the Seventh Section of an act approved May 18th, 1870, entitled an act Fixing the Salaries of the Judges of the Several Courts of the Commonwealth.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That the seventh section of the act approved May eighteenth, eighteen hundred and seventy, entitled an act fixing the salaries of the judges of the several courts of the commonwealth, be amended and re-enacted so as to read as follows:

Act fixing salaries of judges amended as to Danville

“§ 7. The judges of the city and corporation courts shall receive the following annual salaries, respectively: the judge of the hustings court of Richmond, the sum of two thousand

three hundred dollars; the judge of the probate or chancery court of the city of Richmond, the sum of two thousand three hundred dollars; the city judge of Norfolk, the sum of two thousand dollars; the city judge of Petersburg, the sum of one thousand eight hundred dollars; the city judge of Lynchburg, the sum of sixteen hundred dollars; the city judge of Alexandria, the sum of fourteen hundred dollars; the city judge of Portsmouth, the sum of thirteen hundred dollars; the city judges of the corporations of Fredericksburg, Winchester, Staunton, and Danville, each, the sum of seven hundred dollars: provided, that when the same person shall be elected judge of a county, and also a city or corporation court therein, his aggregate salary shall not exceed the sum of thirteen hundred dollars."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 238.—An ACT to Amend and Re-enact the First Section of the act approved May 6th, 1870, entitled an act to Fix the Terms for Holding the Corporation Courts of the Commonwealth.

Approved July 9, 1870.

Act fixing time
of holding cor-
poration courts
amended

1. Be it enacted by the general assembly, That the first section of the act approved May sixth, eighteen hundred and seventy, entitled an act to fix the times for holding the corporation courts of the commonwealth, be amended and re-enacted so as to read as follows:

§ 1

"§ 1. Be it enacted by the general assembly of Virginia, That for every corporation in which the power of holding courts has been or shall be vested by law, there shall be held monthly terms of the corporation court, and the days for the commencement of said terms shall be as follows, to wit: for the city of Norfolk, on the fourth Monday in each month; for the city of Portsmouth, on the second Monday in each month; for the city of Petersburg, on the third Thursday in each month; for the city of Lynchburg, on the first Monday in each month; for the city of Fredericksburg, on the second Thursday in each month; for the town of Staunton, on Wednesday after the first Monday in each month; for the city of Alexandria, on the second Monday in each month; and for the town of Danville, on the first Monday in each month."

Norfolk
Portsmouth
Petersburg
Lynchburg
Fredericksburg
Staunton
Alexandria
Danville

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 239.—An ACT to Incorporate the Pamunkey Marl, Mining, and Manufacturing Company of Virginia.

Approved July 9, 1870.

Pamunkey
Marl, Mining,
and Manufactu-
ring Company
incorporated

1. Be it enacted by the general assembly of Virginia, That Wm. D. Pollard and Wm. M. Stehley, of King William county; John H. Stehley, of Berkeley county, West Virginia; S. T. Charlton, of Harrisburg, Pennsylvania; and Abner Cas-

sell, of Dauphin county, Pennsylvania, their associates and successors, be and they are hereby created a body corporate and politic by the name and style of The Pamunkey Marl, Mining, and Manufacturing Company of Virginia.

2. The capital stock of said company shall be not less than one hundred thousand dollars, divided into shares of fifty dollars each; but whenever ten thousand dollars of said capital stock have been actually paid up and deposited in the office of the Richmond banking and insurance company, or in any bank in the city of Richmond, the above-named corporators and their associates, if any, shall be authorized and empowered to organize said company by the appointment of a president, secretary, and treasurer, and the adoption of such ordinances, by-laws and regulations, not inconsistent with the general law of the state, as may be deemed requisite and necessary for the proper management of the affairs of said company.

Capital and shares

When company may organize; and how

3. That said company shall have perpetual succession, a common seal, which they may break or alter at the pleasure of the president and directors, may sue and be sued by their corporate name, and shall be invested with all the rights and privileges, and subject to all the limitations and restrictions applicable by general law to corporations of this character.

Corporate powers

4. The said company may acquire by purchase or otherwise, and hold lands on and adjacent to the Pamunkey river, not exceeding five thousand acres at one time, for the purpose of digging and operating the green sand deposits thereon, working other ores and minerals that may be developed, and manufacturing the same into such forms as the demands of commerce and the necessities of agriculture may require. They may build all necessary wharves into and upon said river, and construct roads upon their own or the lands of others: provided, that privilege so to do is previously obtained by treaty or contracts with such proprietors; may build, purchase, or charter vessels propelled by wind or steam, to be used in the transportation service of said company, and do all other things needful for the success of the company hereby incorporated.

Business

5. The said company may, by order of the president and directors, issue from time to time, stock in shares of fifty dollars each, to an amount not exceeding five hundred thousand dollars, and thereafter, if the works, machinery, buildings, shipping, or other transportation service, purchase or lease of lands, rights, or privileges require, may issue additional stock by and with the assent and approval of two-thirds of all the stockholders in general meeting, either regular or specially called, to consider the subject.

Additional stock; how issued

6. For the first twelve months after the passage of this act, the corporators herein named, shall constitute the board of directors, and they may choose one of their own number as president, and appoint a secretary and treasurer for said company. But after the expiration of said twelve months, the whole number of stockholders shall be convened in general meeting to be held in the city of Richmond, and each stockholder shall be entitled to one vote for each share of stock

Board of directors, and other officers for first twelve months

General meeting

Voting

Permanent or-
ganization

held by him or her; at which meeting, a board of directors, not less than three nor more than five, shall be chosen, and they to choose or appoint a president and all other necessary officers to manage and conduct the affairs of said company.

Commence-
ment

7. This act shall be in force from its passage.

CHAP. 240.—An ACT to Charter the Fredericksburg Loan and Land Company.

Approved July 9, 1870.

Fredericksburg
Loan and Land
Company incor-
porated

1. Be it enacted by the general assembly, That George B. Scott, William T. Hart, Robert W. Adams, John G. Hurkamp, Alexander K. Phillips, Hay B. Hoomes, John L. Stansbury, Charles Herndon, and such other persons as they may associate with them, be and they are hereby declared to be a body politic and corporate, by the name and style of Fredericksburg Loan and Land Company, and as such, shall have perpetual succession; and a common seal, which it may renew or alter at pleasure; and may sue and be sued, contract and be contracted with; and make by-laws and regulations, not inconsistent with the laws of this state or of the United States, and subject to all general laws now existing or which may be hereafter enacted, so far as applicable to the same.

Capital

2. The capital stock of the company shall not be less than fifty thousand dollars, which may be increased at any time, and from time to time, by the stockholders, either at regular meetings or at a special meeting called for that purpose, so that such increase shall not exceed the sum of three millions of dollars; said stock shall be divided into shares of one hundred dollars each, and subscribed under the direction of a majority of the persons hereinbefore named, or of said company after it has been organized.

Shares

Business

3. The company shall have power to borrow money, and issue its notes or bonds therefor in such form as it may from time to time adopt. It shall have power to lend money and take security therefor; to discount, buy, sell, draw, or negotiate notes, bills of exchange, and bonds or other papers, and to receive in advance the interest on such transactions; to buy, have, hold, or sell, on its own account or on commission, real or personal estate: provided, that nothing herein contained shall authorize the taking of a greater rate of interest than that allowed by law.

Commence-
ment

4. This act shall be in force from its passage, and shall be subject to amendment, modification, alteration, or repeal, at the pleasure of the general assembly.

CHAP. 241.—JOINT RESOLUTION Requesting Governor to Return to House of Delegates Senate Bill No. 268.

Agreed to July 9, 1870.

Resolved (the house of delegates concurring), That the governor be respectfully requested to return to the house of delegates senate bill entitled an act to amend and re-enact certain sections of and to add additional sections to an act entitled an act providing for courts for the city of Richmond and defining the jurisdiction thereof, approved April seventh, eighteen hundred and seventy, No. 268.

Governor requested to return senate bill No. 268

CHAP. 242.—An ACT for the Relief of the Merchants Bank of Lynchburg.

Approved July 9, 1870.

Whereas, it appears by the books of the commonwealth that, on the twenty-first of October, eighteen hundred and sixty-five, there was to the credit of the Merchants Bank four hundred and twenty-eight thousand, six hundred and two dollars and eighty-six cents of the public securities of this state to the credit of the state treasurer, for the redemption of the countersigned notes of said Merchants bank: and whereas it appears by the same authority that on the twentieth of May, eighteen hundred and seventy, there remained of said securities but nineteen thousand, four hundred and ninety-five dollars, applicable to the same purpose, that being, also, the total amount of its countersigned notes, outstanding at this time; and the said bank is now, and has been for several years, in a process of liquidation, with ample means to discharge all of its liabilities, including said balance of outstanding notes, a large portion of which are supposed to have been lost or destroyed during the late war: and whereas, it seems reasonable to the general assembly that some period shall be fixed after which it may be lawful for the said Merchants bank to divide its remaining assets amongst its stockholders,

Preamble

1. Therefore, be it enacted by the general assembly, That upon the passage of this act, it shall be lawful for the Merchants bank, by advertisement, to be published in two or more newspapers of this state, and some one newspaper published in the city of Baltimore, Maryland, for the period of six months, to require the holders of all its notes to present the same for redemption at par, at the office of said bank in Lynchburg; and at the expiration of six months after due publication as aforesaid, all of its said countersigned notes, which shall not be presented, are hereby declared barred by lapse of time, and the obligation of said bank and its stockholders to redeem the same is hereby declared extinguished and released.

Notice by publication to holders of notes of Merchants bank

Within what period payment barred

When state
treasurer to
transfer to said
bank its public
securities

Liability of
state thereupon
discharged

Commence-
ment

2. That at the expiration of said period of six months after due advertisement, the treasurer of this state be and he is hereby authorized and required, whenever satisfactory evidence has been produced that the notice by publication, as required by the preceding section of this act, has been fully complied with, to transfer and deliver to said bank, or its legal representatives, all the public securities of this state remaining in his hands which were deposited by the said Merchants bank; and thereupon the state shall be and it is hereby declared to be released and discharged from all liabilities as trustee for the note-holders of the said countersigned notes of the said Merchants bank, as provided by the charter thereof, passed the twenty-sixth of March, eighteen hundred and fifty-one.

3. This act shall be in force from its passage.

CHAP. 248.—An ACT for the Relief of the Bank of the Old Dominion.

Approved July 9, 1870.

Preamble

Whereas, it appears by the books of the commonwealth, that on the first day of September, eighteen hundred and sixty-five, there was to the credit of the Bank of the Old Dominion and its branch at Pearisburg, three hundred and seventy-four thousand dollars, of the public securities of this state, to the credit of the state treasurer as trustee, for the redemption of the countersigned notes of said bank and branch; and whereas, it appears by the same authority there remains of said securities but twenty-one thousand five hundred dollars, applicable to the same purposes, that being also the total amount of its countersigned notes outstanding at this time, and the said bank is now, and has been for several years, in a process of liquidation, with ample means to discharge all its liabilities, including said balance of outstanding notes, a large portion of which are supposed to have been lost or destroyed during the late war; and whereas, it seems reasonable to the general assembly that some period shall be fixed after which it may be lawful for said Bank of the Old Dominion to divide its remaining assets amongst its stockholders:

Bank of Old Do-
minion to notify
holders of its
countersigned
notes by publi-
cation

Such notes not
presented with-
in six months
after notice to
be barred

1. Therefore be it enacted by the general assembly of Virginia, That upon the passage of this act, it shall be lawful for the Bank of the Old Dominion, by advertisement to be published weekly in two or more newspapers of this state, and some newspaper published weekly of Baltimore, Maryland, for the period of six months, to require the holders of its countersigned notes to present the same for redemption, at par, at the office of said bank, in Alexandria, and at the expiration of six months, after due publication as aforesaid, all of said countersigned notes, which shall not be so presented, are hereby declared barred by lapse of time, and the obligation of said bank and of its stockholders to redeem the same, is hereby declared extinguished and released.

2. And be it further enacted, That at the expiration of said period of six months, after due advertisement, the treasurer of this state be and he is hereby authorized and required, whenever satisfactory evidence has been produced that the notice by publication, as required by the preceding section of this act, has been fully complied with, to re-transfer and deliver to said bank or its legal representative, all the public securities of this state, remaining in his hands, which were deposited by said Bank of the Old Dominion; and thereupon, the state shall be and it is hereby declared to be released and discharged from all liabilities as trustee for the note-holders of the countersigned notes of said Bank of the Old Dominion, as provided by the charter thereof, passed March the twenty-ninth, eighteen hundred and fifty-one.

Duty of state treasurer with regard to said bank

State's liabilities with regard to said bank; when released

3. This act shall be in force from its passage.

Commencement

CHAP. 244.—An ACT to Incorporate the Lynchburg Banking and Insurance Company.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That T. C. S. Ferguson, George D. Davis, Jarett Cobbs, James Franklin, John F. Slaughter, David W. Burton, Charles W. Statham, Dr. John W. Sale, William Graves, Benjamin F. Tinsley, Thos. Lewis, John J. Wade, General — Terry, D. D. Hull, Arthur C. Cumings, and Abram Fulkerson, and such others as may associate with them under this act, be and they are hereby created and declared to be a body corporate and politic by the name and style of The Lynchburg Insurance and Banking Company, and by that name may sue and be sued, plead and be impleaded, in all the courts of law and equity in this state or elsewhere, and have perpetual succession; to have, make, and use a common seal, and the same to break, alter, or renew at their pleasure; to ordain and publish such by-laws, ordinances, and regulations as they think proper and wise; and generally to do every act and thing necessary to carry into effect this act, or to promote the objects and design of this corporation: provided, that such by-laws, ordinances, regulations, or acts, be not inconsistent with the laws of this state or of the United States.

The Lynchburg Insurance and Banking Company incorporated

2. To make insurance upon dwelling houses, warehouses, factories, and all other kinds of buildings; and upon merchandise, household furniture, libraries, and all other kinds of property, goods, and chattels, against loss or damage by fire; to cause themselves to be insured against any risks upon which they have made or may make insurance; to make insurances upon vessels, freights, goods, wares, merchandise, specie, bullion, profits, commissions, bank notes; and to make all and every insurance connected with marine risks and risks of transportation and navigation.

Business

Certificates for money on deposit
Deposits not to be liable for insurances

May borrow money, &c.

Proviso

Funds; how invested

Proviso

Real estate

Capital

Shares

Subscriptions; how recovered

Directors

Vacancies; how filled

Number of directors

Quorum and meetings of stockholders

3. To receive money on deposit, and grant certificates therefor, in accordance with the conditions set forth in sections four and five, chapter fifty-nine, of the Code of Virginia; but in no case are such deposits to be held liable to make good any policy of insurance issued by this company, or any other contract made by it; to borrow money and to execute notes for the same, and to guarantee the payment of money due or to become due upon bills of exchange, negotiable notes, bonds, or other written evidences of debt, and the performance of other written contracts: provided, however, that nothing contained in this section shall authorize it to take for the loan or forbearance of money or other thing, a greater rate of interest than is allowed by the constitution and laws of this state.

4. The funds of the company, however derived, may be invested in or lent on any stock or real security, or be used in purchasing or discounting bonds, bills, notes, or other paper: provided, that the rate of interest shall be lawful at the date of each transaction, but the interest in any such transaction may be demanded and received in advance; and the said company shall have power and authority to purchase or otherwise lawfully acquire, and to have and to hold, and to convey and sell, any real estate not exceeding five thousand acres, and any personal estate, stocks, mortgages, or other property, for the purpose of securing any debt that may be due, or for the purpose of promoting the objects and designs of this corporation.

5. The capital stock shall not be less than one hundred thousand dollars, with authority to the said company to increase the same to an amount not exceeding five hundred thousand dollars. It shall be divided into shares of twenty-five dollars each, and shall be payable at such time or times, and in such proportions, as it may be called for by the president and directors; and if any subscriber fail to pay the same so called for, upon each and every share so held by him, within twenty days after the same has been so called for, then the amount so called for may be recovered by motion, upon twenty days' notice in writing, in any court of record in the city of Lynchburg, or at the place of residence of the subscriber to the stock, at the option of said company.

6. The persons named in the first section of this act shall be the directors of this company till others are appointed by the stockholders, and they may, as soon as proper, appoint a president from among their number or from among others who may hereafter be associated with them; and the president shall continue in office until the first day of October, eighteen hundred and seventy, or until his successor is appointed. In the case of vacancy in the office of president or director, from any cause, the remaining directors may supply it until a meeting of the stockholders shall be held. There shall not be less than twelve nor more than twenty directors, who, with the president (who must also be a director), shall manage the affairs of the company. Five of said directors shall constitute a quorum for any and all business purposes. The meetings of the stockholders shall be held in the city of Lynchburg, and the business office of the company shall be in the said city.

7. The president and directors shall appoint such clerks Clerks, &c. and other officers as they may find necessary properly to conduct the business of the company, and allow them suitable compensation; all which clerks and officers shall hold their places during the pleasure of the board.

8. The board shall have power to appoint agents Agents part of the state, or elsewhere, and at their discretion may take from them bonds, with security for the faithful performance of their duties; such agents being removable at the pleasure of the president, subject to the approval of the board, or by the board of directors.

9. The scale of voting at all the meetings of said company shall Voting be one vote for each share of stock. And every stockholder, Stock; how assigned or transferred not in debt to the company, may, at pleasure, by power of attorney or in person, assign or transfer his stock in the company on the books of the same, or any part thereof, not being less than a whole share. But no stockholder shall be permitted, while he is in debt to the company, to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the board.

10. The president and directors shall have power to declare Dividends such dividends of the profits of the company as they may deem proper: provided, that no dividend shall be declared unless Proviso earned, and unless, in the opinion of a majority of the board, the capital stock will not thereby be impaired. The said president and directors shall also, at the end of every year, make a report, showing the condition of the company. Annual report The first annual meeting of the stockholders shall be on the first day of Annual meeting October, eighteen hundred and seventy, and annually thereafter on the first Saturday in October: provided, that the Proviso stockholders, at any regular meeting, or the board of directors, may, at any time, change the day for the annual meeting; and the president and directors may, at any time, call a general General meeting; how called meeting of the stockholders, and any number of stockholders, owning not less than one-third of the whole number of shares, may require the president to call such meeting, and upon his refusal to do so, may themselves call such meeting; in each case giving at least fifteen days' notice by publication in one or more newspapers published in the city of Lynchburg.

11. The members of the company shall not be liable for any Liability of members loss, damage, or responsibility beyond the property they have in the capital and funds of the company, to the amount of shares held by them respectively, and any profits arising therefrom undivided.

12. All policies of insurance and other contracts made by Policies the said company, signed by the president and countersigned by the secretary, shall be obligatory on the said company, and have the same effect as if attested by a corporate seal.

13. Nothing in this act shall be so construed as to authorize Not to issue bank notes the said company to issue and put in circulation any note in the nature of a bank note.

14. The board of directors shall allow the president and other officers a reasonable compensation for their services, to be established and fixed from time to time by said board. Officers' compensation

Books for subscription; how opened

15. The persons named and referred to in the sixth section as a board of directors, shall, within twelve months after the passage of this act, open books at some suitable place in the city of Lynchburg, and at such other places as they may deem proper, to receive subscriptions to the capital stock of this corporation; and may prescribe such terms in regard to said subscriptions as they may deem wise, not inconsistent with the provisions of this act and the laws of the state and the United States.

Commencement, &c.

16. This act shall take effect from its passage, and shall be subject to amendments, modifications, or repeal, at the pleasure of the general assembly of Virginia.

CHAP. 245.—An ACT to Incorporate the Petersburg and Richmond Steamboat Company.

Approved July 9, 1870.

The Petersburg and Richmond Steamboat Company incorporated

1. Be it enacted by the general assembly of the commonwealth of Virginia, That John Lyon, Reuben Ragland, J. Pinckney Williamson, Daniel Dodson, David A. Lyon, Robert D. McIlwaine, T. T. Brooks, Thomas B. Booth, Daniel W. Lassiter, and John P. Branch, and their associates and successors, be and they are hereby made, constituted, and established, a body politic and corporate under the name and style of The Petersburg and Richmond Steamboat Company, with all the rights and privileges conferred, and subject to all the obligations and duties imposed by the Code of Virginia upon chartered companies and works of internal improvement, except as herein otherwise provided.

Capital and shares

2. The capital stock of the said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; and within the limits aforesaid, the amount of the capital stock may be fixed and provided for, from time to time, by the stockholders in general meeting.

Meeting of corporators, and subscription by them

3. It shall be lawful for the corporators aforesaid, or a majority of them, either in person or by proxy, to convene in the city of Petersburg, within sixty days after the passage of this act, and subscribe among themselves, in such amounts as they may agree upon, for the minimum capital stock of fifty thousand dollars; and when said sum shall have been subscribed, it shall be lawful for the subscribers to proceed forthwith to the election of a president and directors, and otherwise organize the company as required by law.

When company may organize

Business

4. The said company shall have the right to own and use steamboats and other vessels, to transport between Petersburg and Richmond, and elsewhere upon the James and Appomattox rivers and their tributaries, passengers, merchandise, and other freights; and also to tow, or otherwise furnish motive power for, barges and other vessels.

5. It shall be lawful for said company to construct and maintain across the county of Chesterfield, between the Appomattox and James rivers, a canal extending from some point on the Appomattox river, within two miles from the Point of Rocks, to some point on the James river, within two miles of Warebottom Church, and to this end may procure and hold in fee simple, either by purchase or condemnation, a strip of land between the points aforesaid not exceeding one mile in width: provided, that in case of condemnation no more land shall be taken than may be necessary for the canal and a tow-path fifty feet wide on each side thereof. But said company shall provide and maintain across said canal, when constructed, good and sufficient draw-bridges, with proper attendants, for the accommodation of persons traveling the public roads that may be intersected by said canal. And said company shall have the right to charge and collect tolls of and from all vessels passing through its said canal, not exceeding, however, for each passage, five cents per ton of the registered tonnage of each vessel; and also to rent, lease, sell, and convey or hold such lands bordering on said canal as may have been procured either by purchase or condemnation as aforesaid.
6. That the work of construction on the said improvement shall be commenced within two years and completed within five years.
7. This act shall be in force from its passage.
- Canal across Chesterfield
Land to be held
Proviso
Draw bridges
Tolls
May acquire real estate
Within what period work to be commenced and completed
Commencement

CHAP. 246.—An ACT to Incorporate the Richmond Educational Association.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That A. Washburn, R. W. Manly, J. E. Farrar, Richard Forrester, and Samuel Ruth, and their successors, be and are hereby constituted a body politic and corporate, by the name of The Richmond Educational Association, and shall have perpetual succession and a common seal, and by the name aforesaid, they and their successors shall be capable in law, and shall have full power and authority to acquire, hold, possess, purchase, receive, and retain to them and their successors forever, any lands, tenements, rents, goods, chattels, or interest of any kind whatsoever, which may be given or bequeathed to or by them purchased for the use of an institution of learning, located in the city of Richmond, to be called The Richmond Normal and High School: provided, the same do not exceed one hundred thousand dollars in value; they and their successors shall have power to transfer, convey, and dispose of the same in any manner whatsoever they may judge most useful to the interests and legal purposes of the said institution; and by their corporate name may sue and implead, and be sued and impleaded; may answer and be answered, in all courts of law
- Richmond Educational Association incorporated
Corporate powers

Board of directors	and equity. The above named corporators and their successors shall be the board of directors of the said corporation.
Purposes	2. That the purposes of the said Richmond Normal and High School shall be as follows: For the instruction of youth in the various common school, academic, and collegiate branches, and the best methods of teaching the same; and for the carrying out of these purposes, the said trustees may establish any departments or schools in the institution.
President and other officers	3. That the said board of directors, or a majority of them, shall choose by ballot, a president, secretary, treasurer, and such other officers and teachers or agents as they shall deem necessary, and remove the same at pleasure, two-thirds of a quorum concurring in the removal. They shall also take bond from the treasurer, payable to the Richmond Educational Association, in such penalty and with such security as they may deem reasonable, and conditioned for the faithful discharge of the duties of his office. Said duties to be prescribed by the said board of directors. The board of directors may make contracts in behalf of said institution, and in general, manage the affairs of the institution.
Bond of treasurer	
Vacancies; how filled	4. That when there shall be a vacancy in the board of directors, occasioned by death, resignation, removal, or refusal to act, the remaining directors, or a majority of them, shall, on being notified by the secretary or president, supply the vacancy at the next annual meeting. It shall be lawful for any three of the directors to call a meeting of the directory whenever they shall deem it expedient.
Board of directors; how increased	5. That the board of directors shall have power to increase their number to nine at any annual meeting; new members to be elected by ballot, and a majority of the members shall constitute a quorum.
By-laws, &c.	6. That the board of directors may adopt such rules, regulations, and by-laws, not contrary to the laws of this state or the United States, as they may deem necessary for the good government of the institution.
Report	7. That it shall be the duty of the board of directors, whenever requested by the governor of this state or superintendent of education, to make a report of the general condition of the institution to the board of education, to be by them communicated to the general assembly.
Property exempt from taxes	8. That any property held by the Richmond Educational Association for its legitimate purpose, shall be exempt from public taxes, so long as any property held by other institutions of learning in Virginia for their legitimate purpose is exempt; and whenever a tax shall be laid upon the same, if laid at all, the tax shall not be higher on said institution, in proportion to the value of its property, than on other institutions of learning in the state.
Commencement	9. This act shall be in force from the passage thereof.

CHAP. 247.—An ACT to Incorporate the Virginia and Northwestern Railroad Company.

/ Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That William Milnes, Jr., Isaac Long, Peter B. Borst, Henry H. Propes, Mann Spilter, and Reuben P. Bell, of Page county, Virginia; Isaac G. E. Davis, James Beazley, Jr., Q. R. Hume, George W. Mitchell, of Greene county, Virginia; John F. Lewis, John C. Walker, Andrew B. Irick, P. S. Roller, Algeron S. Gray, Peter Paul, and George Chrisman, of Rockingham county, Virginia; H. C. Cabell, Isaac Davenport, Jr., Wellington Goddin, Franklin Stearns, and William G. Payne, of the city of Richmond, Virginia; Joseph Skrigg, Samuel A. McMechen, Isaac G. Mesh, John G. Hanness, and Henry G. Davis, of West Virginia, or such of them as may accept the provisions of this act, and such persons and corporations as may become associated with them in the manner hereinafter provided, shall be and they are hereby constituted a body politic and corporate by the name of The Virginia and Northwestern Railroad Company; and by that name shall have all the powers, rights, and franchises necessary and proper to locate, construct, and maintain a railroad to be known as The Virginia and Northwestern Railroad, to begin at Gordonsville, Route on the Chesapeake and Ohio railroad, in the county of Orange, and to run thence, by the most practicable route, through the county of Rockingham, and at or near the town of Harrisonburg, in said county, to some point in said county on the Virginia and West Virginia state line; whence the said road may be extended through the state of West Virginia in such direction as to secure the most practicable and direct route from Virginia to the Northwest.

2. That the capital stock of said company shall not exceed the sum of ten millions of dollars, to be divided into shares of one hundred dollars each; and whenever five hundred shares shall have been subscribed, by persons or corporations, other than internal improvement companies, under the direction of any three of the corporators hereinbefore named, the subscribers may organize the company by electing a president and board of directors, and electing or appointing such other officers as may be necessary for the management of the affairs of the company; and thereupon, they shall have and exercise all the general powers and functions of a corporation, and be subject to all the restrictions imposed by the laws of this state, applicable to internal improvement companies, except so far as the same may be changed or modified by this act.

3. The capital stock of said company may be increased from time to time by the board of directors, to such amount as they may deem necessary for the interest of the company, not exceeding the maximum capital stock prescribed in this act; and the board of directors of said company, to fully construct and equip said railway, shall also have the power to issue bonds in such sums, not less than one hundred dollars each, and bearing

Virginia and
Northwestern
Railroad Com-
pany incorpo-
rated

Capital
Shares
Organization of
company; when
and how

Capital; how
increased

Bonds of Com-
pany

interest, not exceeding the rate now allowed by law, payable, principal and interest, at such times and places and in such manner as may be deemed most advantageous to said company, and may secure the same by one or more mortgages on the road, franchises, income, and the real and personal property of the company, or such parts thereof as may be designated in the mortgage or mortgages.

Company may
acquire lands,
&c.

4. That it shall be lawful for the said company to acquire, in subscriptions to the capital stock of said company, or by donation or otherwise, lands, mines, property, materials, or labor, and to receive subscriptions from other companies, associations, and corporations, and to make such arrangements as shall be mutually agreed upon by the respective boards of direction of such companies, associations, and corporations, for the endorsement of, sale, and exchange of stock and bonds as to increase facilities for a speedy completion of said road; and the said company may sell, lease, or otherwise dispose of, any lands or other property acquired under this section, at their pleasure.

Branch roads

5. The said railroad company shall have power to build branch and lateral roads, not exceeding ten miles each in length, from their main line, to connect with any mines, lands, works, or manufactories owned or operated by the said company.

Connections

6. The said company shall allow any railroad already built, or which may hereafter be built, to connect with its road; and said company shall have the right to connect with, and to cross either at or under or above grade, any railroad now or hereafter to be constructed in the vicinity of the route thereof.

No discrimina-
tion in charges

No discrimination shall be made in the charges of said company against the trade and travel of any connecting work; but it shall jointly, with such connecting company or companies, make suitable arrangements for the convenient transfer of freights from one road to the other, and, the gauge permitting, for a free interchange of freight cars upon reasonable terms; and no discrimination shall be made in the charges of any connecting work against the trade and travel of the said company. And if the connecting companies shall not be able to agree upon terms as to such connection and transfer of cars and freight, and as to arrangements for a fair pro rating of charges, the question shall be referred to the board of public works, and its decision shall be binding upon the parties.

How disputes as
to charges set-
tled

Arrangements
with other com-
panies

7. That said company may enter into arrangements with any company connecting therewith, whether such company connect at either terminus or at any other point along its line, for the use of the necessary rolling stock, to be furnished to said company; or for the lease of its road for a term not exceeding twenty years upon any one contract of lease; or may contract for the sale and transfer of all its property, rights, charter, franchises, and stock, to any such connecting company: provided, such sale or transfer be confirmed at any general meeting by three-fifths of all the stockholders of said Virginia and Northwestern railroad company.

Provide

8. That any county along the line of said road, or of any connecting road, is hereby authorized, in the manner and under the rules and regulations prescribed by law, to subscribe to the capital stock of said company, each, an amount not exceeding two hundred thousand dollars; and to this end, it shall be the duty of the county courts of such counties, in their discretion, to cause a vote to be taken, in a manner prescribed by law, at such time as the president and directors of said Virginia and Northwestern railroad company may ask; and to issue bonds in such form, running such lengths of time and bearing such rates of interest, and payable at such periods and places, as the county courts of said county may determine; and to guarantee the payment of such bonds, so issued, whenever the qualified voters, in the manner above prescribed, shall authorize.

Subscriptions of
counties

Their bonds

9. This act shall be in force from its passage.

Commence-
ment

CHAP. 248.—An ACT Incorporating the Edenton and Norfolk Railroad Company.

Approved July 9, 1870.

Whereas, the general assembly of the state of North Carolina did, on the ninth day of March, eighteen hundred and seventy, pass an act entitled an act to incorporate the Edenton and Norfolk Railroad Company, for the purpose of constructing a railroad from some point at or near Suffolk, in the state of Virginia, to Edenton and the city of Wilmington, and to such other intermediate points in the state of North Carolina as the directors of said railroad company shall determine; and by said act, have constituted John R. Kilby, of Virginia; and F. H. Lassiter, John Gatling, W. A. Moore, W. E. Bond, James J. Cannon, R. D. Simpson, Jephtha Ward, Samuel Long, A. M. Moore, Edward Wood, John F. Picknell, James A. Wilson, Charles Latham, and Joseph Dixon, of North Carolina, and their associates, successors, and assigns, a body corporate, under the name and style of The Edenton and Norfolk Railroad Company, with the powers, rights, and privileges as are set forth in said act; and whereas, a portion of said road will be in Nansemond county, in the state of Virginia, from Suffolk to the North Carolina state line, and with the view to a full and complete construction and management of said work:

Preamble

1. It is enacted by the general assembly of Virginia, That the said corporators and their associates, successors, and assigns, be and are hereby also created a body corporate and politic, by the name and style aforesaid, with all the powers, rights, and privileges conferred on corporations by chapters fifty-six and sixty-one of the Code of Virginia, so far as applicable to the corporation hereby created and the charter granted by the state of North Carolina aforesaid.

Edenton and
Norfolk Rail-
road Company
incorporated

Charter granted
by North Carolina
to be the
charter of said
company in this
state

2. And it is further enacted, That the charter granted said company by the state of North Carolina, as aforesaid, shall be the charter of said company, and to that extent shall modify the provisions of chapters fifty-six and sixty-one of the Code of Virginia, and which charter, granted by the state of North Carolina, is as follows :

"An act to incorporate the Edenton and Norfolk railroad company.

North Carolina
act
Route

"SEC. 1. The general assembly of North Carolina do enact, That for the purpose of constructing a railroad of one or more tracks, from some point at or near Suffolk, in the state of Virginia, to Edenton and the city of Wilmington, and to such intermediate points, and upon such line as the directors of said railroad shall determine, John R. Kilby, F. H. Lassiter, John Gatling, W. A. Moore, W. E. Bond, James J. Cannon, R. D. Simpson, Jephtha Ward, Samuel Long, A. M. Moore, Edward Wood, John F. Picknell, James A. Wilson, Charles Latham, and Joseph Dixon, of Green county, and their associates, successors, and assigns are hereby constituted a body corporate, under the name and style of The Edenton and Norfolk Railroad Company, with a capital stock of one million dollars, with power to increase the same to five millions, which shall have a corporate existence, and as such, exercise the powers herein granted, in perpetuity, as a body politic, and by that name may sue and be sued, plead and be impleaded, in every court in the state of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing, and conveying estate, real, personal, and mixed, and of acquiring the same by gift or devise, for the purpose herein contemplated, and the said company shall have and enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution and laws of the United States and of the state of North Carolina.

Subscriptions;
how made

"SEC. 2. That the capital stock of said company may be created by subscriptions on the part of individuals, municipal or other corporations, in shares of the value of one hundred dollars each, which may be made in lands, timber, labor, or money, as may be stipulated.

How opened

"SEC. 3. That books of subscription may be opened by such persons, at such times and places, and under such rules and regulations, as the persons above named, or a majority of them, shall direct.

General meeting
of stockholders

"SEC. 4. That when the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, a general meeting of the stockholders shall be held, after due notice, and such general meeting, a majority of the stockholders being present, either in person or by proxy, shall elect a board of directors, to consist of such number, not less than five, as the stockholders shall determine; and said directors shall elect one of their number president, and such other officers as the by-laws of said company shall

President and
other officers

prescribe; and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the object of their charter.

"SEC. 5. That whenever any land shall be required for the construction of said road, or for warehouses, water stations, turn-outs, workshops, depositories, or for other buildings or purposes, and for any cause the same cannot be purchased from the owner, the same may be taken by the directors at a valuation to be ascertained as follows: the sheriff of the county in which said land may be, shall, at the request of the president of said road, summon five disinterested freeholders of his county, who shall ascertain the value, under oath, to be administered by the sheriff, they first deducting the enhanced value of the land, caused by said railroad, from such valuation, and adding any particular loss or damage; and upon the payment or tender by the president of the amount so assessed, the title of the property so seized and appraised shall thereby vest in the said corporation: provided, that either party may appeal to the superior court of the county upon the question of the amount assessed: and provided further, that not more than one hundred feet from the centre of the road shall be liable to be so condemned.

Lands for road;
how taken

Value; how as-
certained

Proviso

"SEC. 6. That the president and directors shall have power, at any time, to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal assurance.

May borrow
money

"SEC. 7. That the said company shall have the exclusive right to convey and transport freight and passengers over and along the said road, and at such rates as said company shall prescribe.

Right of trans-
portation and
rates

"SEC. 8. This act shall take effect from its ratification, and the said company shall have exclusive right, for a term of thirty years from its full organization, to construct and use the afore-said railroad."

Period of fran-
chise

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 249.—An ACT to Incorporate the Farmers Savings Bank of Norfolk.

Approved July 9, 1870.

1. Be it enacted by the general assembly, That John B. Whitehead, John James, James G. Pollard, William J. Moore, Federick Wilson, and William Ward, together with such other persons as may hereafter be associated with them, not exceeding twenty-four in number, shall be and they are hereby constituted and made a body politic and corporate by the name and style of The Farmers Savings Bank of the city of Norfolk; and by this name they are hereby invested with all the rights, powers, and privileges conferred, and made subject to all the rules, regulations, and restrictions imposed by the general laws of the state appertaining to such corporations: provided, however, that the members of said savings bank shall have power to appoint their own directory at their first

Farmers Sav-
ings Bank of
Norfolk incor-
porated

Proviso

meeting under this act; but that all elections thereafter to be made shall be in conformity with the provisions of the act passed March twenty-fourth, eighteen hundred and thirty-eight; and provided also, that the said bank shall not have less than five nor more than nine directors.

Notes payable
at said bank put
on same footing
as notes payable
at other banks

2. And be it further enacted, That every note made payable and negotiable at the office of discount and deposit of this bank, shall be and is hereby placed on the same footing as notes negotiable and payable at other banks chartered by the state; so that the like remedy may be had for the recovery thereof against the parties thereto or either of them.

Capital

3. And be it further enacted, That the minimum capital stock of said bank shall be five thousand dollars, which may from time to time be increased to any amount not exceeding one hundred thousand dollars.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 250.—An ACT to Incorporate the Town of Gordonsville.

Approved July 9, 1870.

Town of Gor-
donsville incor-
porated

1. Be it enacted by the general assembly, That the town of Gordonsville, in the county of Orange, as the same has been or may be laid off into lots, streets, and alleys, shall be and the same is hereby made a town corporate, by the name of The Town of Gordonsville; and by that name shall have and exercise the powers conferred upon towns by and be subject to the provisions of the fifty-fourth chapter of the Code of Virginia, so far as the provisions of said chapter are not in conflict with the provisions of this act.

Boundary

2. The boundary of said town shall be as follows: starting at the stables of the Exchange hotel, to follow Dr. Cadmus' line to the Charlottesville road; thence to Mrs. Freeman's; thence to the line between W. H. Mann and G. W. Moyer's, to follow that to the south-eastern corner of said Moyer's lot; thence to the stables of the Exchange hotel.

Trustees to be
council; num-
ber, powers, &c.

3. The officers of said town shall consist of nine trustees, who shall compose the council, (five of whom shall constitute a quorum to transact business) and a sergeant, who shall hold their offices for two years, and until their successors are appointed. The said council shall have power to pass all by-laws and ordinances for the government of said town that they may deem proper (not in conflict with the constitution of the state or of the United States), and also to provide for keeping the streets in order and paving the same, and for other necessary improvements; for which purpose they may levy such tax as they may deem proper, not exceeding fifty cents on the hundred dollars.

President of
council

4. The council shall elect from their own number a president, who shall preside at all the meetings of the council; and when they are equally divided, shall, in addition to his individual vote, give the casting vote; and he shall be invested with

all the powers of a justice of the peace within the limits of said town, except that no civil warrants shall be tried by him.

5. The sergeant of said town shall be a conservator of the peace, and be invested with the full powers of a constable within the limits of said town; also have the power to arrest offenders within half mile of said limits for offences committed within the limits of said town; he shall collect the town taxes, and may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and shall have, in other respects, like powers to force the collection thereof.

6. The time for holding an election for said officers agreeably to this charter, shall be the first Tuesday after the first Monday in November, eighteen hundred and seventy, reasonable notice being given of the place of voting within said town; and once in every two years thereafter, an election shall be held for said officers on the same day in November.

7. L. W. Sneed, B. H. Partlow, W. H. Faulconer, William Rock, W. P. Smith, L. T. D. Faulconer, J. K. Gentry, P. P. Barbour, and B. W. Thurmond, are hereby appointed trustees of the said town, and are invested with all the powers, functions, and duties of such office, as prescribed in this act and the said fifty-fourth chapter of the Virginia Code, and will hold the same until the regular election day, as herein set forth, and their successors are elected and qualified.

8. This act shall be in force from its passage.

Commencement

CHAP. 251.—An ACT to Incorporate the Martinsburg and Potomac Railroad Company.

Approved July 9, 1870.

Whereas, the legislature of West Virginia did, by act passed February nineteen, eighteen hundred and sixty-eight, incorporate a company for the purpose of constructing a railroad from a point on the Potomac river to Winchester, the first section of which is in the following words, to wit:

“Be it enacted by the legislature of West Virginia, That the first section of the act passed February nineteen, eighteen hundred and sixty-eight, entitled an act to incorporate the Martinsburg and Potomac Railroad Company, be so amended as to read: ‘For the purpose of constructing a railroad from a point opposite the termination of the Franklin railroad extension, on the south bank of the Potomac river, by the most suitable and convenient route to the town of Martinsburg, in the county of Berkeley, thence to some point on the state line between the county of Frederick and the county of Berkeley, and thence to the town of Winchester, in Virginia, if so authorized by the legislature of that state; and the said company shall have power and authority so to construct their road at its terminus on the Potomac river as to connect the same with any other road or bridge which shall be constructed to that point by the Franklin railroad company, in the state of

Maryland, and to make such arrangements and contracts with the said Franklin railroad company concerning said connection, and the future operations and use of the road hereby authorized to be made, as shall secure a continuous and convenient through passage and business over the entire roads, by either or both the said companies: '"

And whereas, it is necessary for the completion of said road to Winchester, that the general assembly of Virginia should give the assent of this commonwealth thereto:

Commissioners
to receive sub-
scriptions

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription at Martinsburg, in Berkeley county, under the direction of James M. Vanmeter, Jacob Ropp, John Aiken, John N. Able, Aaron Myers, J. N. Wisner, John A. Pitzer, B. M. Kitchen, Levi Tabler, Wm. Cole, Wm. Smith, Samuel Gold, C. H. Robinson, and Joseph T. Hoke; and at Winchester, in Frederick county, under the direction of Robert Y. Conrad Wm. L. Clark, E. Holmes Boyd, Wm. R. Denny, Robert W. Hunter, John F. Wall, and George W. Ward, and at such other places, and under the direction of such agent or agents as a majority of the commissioners at either of the above-named places may designate, for the purpose of receiving subscriptions to the amount of five hundred thousand dollars for the purpose of aiding in the completion of a railroad from a point on the Potomac river at or near the terminus of the Cumberland Valley or Franklin railroad, in Maryland, to Winchester, by the most convenient and suitable route, through or near the town of Martinsburg, in Berkeley county.

When company
deemed incorpo-
rated

2. Whenever ten thousand dollars of stock shall have been subscribed, the subscribers, their executors, administrators, or assigns, shall be and are hereby declared to be a body politic and corporate, under the name and style of The Martinsburg and Potomac Railroad Company, and shall be subject to all the provisions of the Code of Virginia applicable to internal improvement companies, except so far as the same may be inconsistent with the provisions of this act.

Connections
with other roads

3. The company hereby incorporated shall have full right and privilege, and is hereby authorized and empowered to intersect or connect with any other railroad at such point or points as it may deem proper and advisable: provided, that no such connection shall be made or any arrangements entered into in pursuance thereof which shall not be in accordance with the general provisions of the Code of Virginia applicable to internal improvement companies.

Proviso

How capital
may be in-
creased

4. If the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the directors, or a majority of them, from time to time to increase the same by the addition of so many shares as they may deem necessary, for which they may cause subscriptions to be received, in such manner as may be prescribed by them; and the said directors, or a majority of them, shall, by and with the consent of the stockholders in general meeting assembled, have power to borrow money for the purposes of this act, to issue bonds or certificates of indebtedness, and to pledge the

property of the company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon.

5. It shall be lawful for any joint stock company or incorporation to become subscribers to the capital stock of the said company in like manner as individuals; and it shall be also lawful for the counties of Berkeley and Frederick, through the proper authorities, also to subscribe to the capital stock of said company to an amount not exceeding two hundred and fifty thousand dollars, subscribed on the part of each of said counties: provided, that no such subscription shall be valid until the same shall have been approved by a majority of the voters of each of said counties at an election specially held and conducted according to law, at the several voting places in the said counties; and it is further provided, that in case such subscriptions shall be authorized by the voters of the said counties, it shall be lawful for the said counties of Berkeley and Frederick to borrow money for the purpose of paying the subscriptions so authorized and to issue their bonds therefor; and they are further authorized to levy such additional taxes upon all subjects of taxation as will be sufficient to pay the interest upon the said bonds as it may accrue, and provide for the payment of the principal when it shall become due; but said bonds shall be exempt from taxation by the said counties.

Who besides individuals may become subscribers

Proviso

Proviso

How bonds to be paid; to be exempt from taxation

6. Such organization of the said company as shall have been heretofore effected under the authority of an act of the legislature of West Virginia, passed February nineteenth, eighteen hundred and sixty-eight, and the amendment thereto, passed February , eighteen hundred and seventy, is hereby confirmed and assented to, so far as the same is not inconsistent with this act and the provisions of the Code of Virginia applicable to internal improvement companies.

Organization heretofore, confirmed, &c.

7. This act shall be in force from its passage.

Commencement

CHAP. 252.—An ACT to Amend and Re-enact an Act to Incorporate the Clinch River Navigation Company.

Approved July 9, 1870.

1. Be it enacted by the general assembly of Virginia, That the first section of the act entitled an act to incorporate the Clinch river navigation company, passed the first of March, eighteen hundred and sixty-seven, be re-enacted and amended so as to read as follows:

Charter of Clinch River Navigation company amended

" § 1. Be it enacted, That for the purpose of opening the Clinch river, from the mouth of Guest river to the Tennessee line, so as to admit of the passage of flat or keel boats, it shall be lawful to open books of subscription for money, labor, or property, for the purpose of opening the same, in shares of ten dollars. The said books shall be opened at Osborne's Ford, under the superintendence of Isaac Osborne, George W. Stallard, Henry W. Osborne, James H. Childress, and James W. Elam, or any three of them; at Stony Creek, under the

superintendence of William Fraysner, Emory Cox, Asberry Cox, Charles P. Carter, and John A. Mann, or any three of them; at Mrs. Niel's, under the superintendence of Lilburn H. Niel, Henry S. Carter, John C. Taylor, Houston G. Niel, and William G. Thomas, or any three of them; and when property shall be subscribed, it shall be lawful for the said commissioners to appoint two disinterested freeholders, at each of the places above named for taking subscriptions, to value the property so subscribed, they being first sworn for the purpose."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 258.—An ACT to Amend and Re-enact an Act passed March fifteenth, eighteen hundred and forty-nine, entitled an Act to Extend the Limits of and Provide for Electing Trustees for the Town of Marion, in the county of Smyth, Investing them with Certain Corporate Powers.

Approved July 9, 1870.

Charter of town
of Marion
amended

1. Be it enacted by the general assembly, That the act passed March fifteenth, eighteen hundred and forty-nine, entitled an act to extend the limits of, and provide for electing trustees for the town of Marion, in the county of Smyth, and vesting them with certain corporate powers, be and the same is hereby amended and re-enacted so as to read as follows:

Boundaries of
town

"§ 1. Be it enacted by the general assembly, That all the lands, grounds, waters, water-courses, and territory within the following boundaries, shall be included within the corporate limits of the town of Marion, and shall be deemed and taken within the limits and made part of the said town, in like manner as if the same had been originally established as part and parcel thereof, to wit: the said corporate limits shall extend from the dividing line between Major Geo. S. Smith's residence and the land of Look and Smith on the West, to the line of James W. Sheffey, on the East of Staley's creek, so as to include a range of back lots ten poles deep on the North of the present limits of the town. The said Eastern and Western lines are to be extended at right angles with the main street, and the Southern line so run as to embrace a range of back lots ten poles deep on the South of the original limits of said town.

Name and style
of town

"§ 2. Be it further enacted, That the said town of Marion, as the same has heretofore been laid off into lots, streets, and alleys, as well as that which has been added by the foregoing provision of this act, and as the same may be hereafter further laid off either by the owners or mayor and councilmen, and extended into lots, streets, and alleys, shall be and the same is hereby made a town corporate, by the name and style of The Town of Marion, and by that name and style shall have and exercise the powers hereinafter provided.

Election and
qualification of
mayor, recorder
and councilmen

"§ 3. That for the government and well ordering the affairs of said town, all persons who are qualified to vote under the constitution adopted on the sixth day of July, eighteen hun-

dred and sixty-nine, shall, on the fourth Thursday of May in each year, elect a mayor, recorder, and seven councilmen for said town; the persons so elected, shall, before they enter upon the duties of their offices respectively, take an oath faithfully and impartially to discharge the duties of their several offices.

"§ 4. Be it further enacted, That should it so happen that an election of the officers herein provided for, be not made at the time prescribed for an annual election, then such an election may be had upon ten days' notice, given by any five or more voters of said town, of the time and place of election, which notice shall be advertised in writing, posted up at the court-house door and taverns in said town, and if no election be had at the time prescribed for the annual election, or in the manner aforesaid, then the officers last elected shall remain in office till the next succeeding time for an annual election, or until a new election shall be held. The governor shall have the right and is hereby authorized to appoint the said mayor, recorder, and seven councilmen, for the town of Marion, to act under the provisions of this charter till their successors shall be elected and qualified at the election provided for on the fourth Thursday of May, eighteen hundred and seventy-one. It shall be the duty of the said mayor and councilmen to appoint annually, at least one month before the said fourth Thursday in May in each year, three persons as commissioners to superintend the election of officers for said town, and in case two or more persons nominated and voted for at said election shall have an equal number of votes at the close of the polls, the commissioners, or any two of them, shall determine by lot which of the said persons shall be elected and shall certify the same to the person appointed to receive and preserve the records of said town, such certificate to be filed and preserved with said records.

When election not held at the regular time, how held

When old officers to hold over

Governor to appoint town officers to act until their successors are elected

Commissioners of election; how appointed, and their duties

"§ 5. The mayor shall have power to summon a meeting of the council as often as occasion may require, which meeting shall be composed of five members at least, including the mayor or presiding officer, and all questions before a meeting of the council shall be decided by a majority of those present, except that the presiding officer shall not vote unless in the case of a tie. It shall be the duty of the councilmen, at their first meeting after their appointment or election, to choose one of their own number, who shall, in the absence of the mayor, preside over the meetings of the council, and have and exercise all the rights, powers, and functions of the office of mayor.

Council; how summoned, &c.

"§ 6. Be it further enacted, That the mayor and councilmen of the said town shall have power and authority to establish markets, and regulate the same; to improve the streets, walks, and alleys of said town; to provide against and prevent accidents by fire, and for that purpose to establish and organize fire companies and purchase engines; to prevent and punish, by reasonable fines, the practice of firing guns and running horses in said town; to license and regulate shows and other public exhibitions, and the same to tax in such reasonable manner and extent, as they may deem reasonable and expe-

Markets, streets, &c.

Fire companies

Public exhibitions

Appointment of town officers; their compensation, &c. By-laws, &c.	<p>dient; to appoint all such officers as may be necessary for conducting the affairs of said town, not otherwise provided for by this act, and to allow them such compensation as they may deem reasonable; and finally, to make all such by-laws, rules, and regulations as they may deem necessary and proper for the good government of said town: provided, they be not contrary to, or inconsistent with, the constitution and laws of this commonwealth or of the United States, and the same to enforce, by reasonable fines and penalties, not exceeding for any one offence the sum ten dollars; to be recovered with costs, in the name of the town of Marion, before any justice of the peace of said county of Smyth, and shall be applied, by the mayor and councilmen of said town, in aid of the taxes imposed upon said town.</p>
Fines; amount; how recovered and applied	
Annual tax	<p>"§ 7. Be it further enacted, That the said mayor and councilmen thus constituted, shall have power to assess and collect an annual tax within the said town, on all property therein, as they may deem expedient: provided, that such tax shall not exceed the state tax in the annual revenue act upon the same subject of taxation, unless the excess be authorized by the vote of a majority of those qualified to vote for said mayor and councilmen, and that the tax on real estate shall not exceed in any one year fifty cents on every one hundred dollars thereof, as assessed under the laws now in force for ascertaining the value of lands for apportioning public taxes, and fifty cents on all tithables within the said town; and moreover, it shall be competent for said mayor and councilmen to dig wells, erect and repair pumps in said town, whenever they may deem the same convenient or useful.</p>
Proviso	
Sergeant; his powers, duties, fees, &c.	<p>"§ 8. Be it further enacted, That the said mayor and councilmen shall have power to appoint, annually, a sergeant or town collector, who shall have and possess the like right of distress and powers in collecting the said taxes, service and return of all process arising under the authority of this act, or of any by-law made as aforesaid in pursuance hereof, and shall be entitled to the same or like fees and commissions as are allowed by law to sheriffs for similar duties and services. The sergeant or town collector shall execute to said mayor and councilmen for the time being, bond, with approved security, in such penalty as they shall deem necessary, payable to them and their successors in office, conditioned for the faithful discharge of his duties, and payment over of said taxes and all other moneys by him collected or received in virtue of his office; and he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the county of Smyth, for enforcing payment of such taxes and other moneys by him collected and received, at the suit of the mayor and councilmen, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.</p>
His bond	
Council may remove officers, &c.	<p>"§ 9. Be it further enacted, That in case of the misconduct of any officer of said town, appointed by the mayor and councilmen under the authority of this act, the said mayor and councilmen shall have power to remove the offender and sup-</p>

ply the vacancy thereby occasioned; and in case of vacancy in the office of councilmen of said town, such vacancy shall be filled, within thirty days, by an election, as in the first instance provided.

Vacancies in council; how filled

"§ 10. Be it further enacted, That all fines, penalties, and amercements, and all other moneys received or raised by virtue of this act, or any by-law in pursuance of this act, and not otherwise directed to be applied, shall be at the disposal of the mayor and councilmen for the use and benefit of the said town.

Fines, &c.; how disposed of

"§ 11. Be it further enacted, That in all suits or prosecutions arising under any by-law, rule, or regulation, made by the mayor and councilmen of the said town, in manner aforesaid, where the constitutionality or validity of such by-law, rule, or regulation shall be contested, appeals shall lie from the judgment of any justice of the peace of the said county of Smyth, to the circuit court for the county of Smyth, without regard to the sum or amount in controversy; such appeals shall be taken within the same time and upon the same terms as are prescribed by law for taking appeals from the judgments of justices of the peace to the several county and corporation courts within this commonwealth, and the said circuit courts shall try and decide such appeals in the same manner as the several county and corporation courts within this commonwealth are by law directed to try appeals from the judgments of justices of the peace; and judgments of the said circuit court, rendered upon such appeal, shall be executed as other judgments of the said court are executed.

In suits under by-laws; how appeal may be taken

How such appeals tried, &c.

"§ 12. Be it further enacted, That the mayor and councilmen of the said town may hereafter, at any time when they may think proper, lay off new town lots and streets, and include them within the corporate limits of said town, with the consent of the owner or owners of the land which they may desire to include: provided, however, that a fair plat and survey of such new lots and streets be made and recorded in the clerk's office of the county court of Smyth county, previous to the sale thereof; and the lots thus laid off and improved by the owners within the corporate limits, shall also be subject to taxation.

Laying off new town lots and streets

Proviso

"§ 13. Be it further enacted, That the said mayor and councilmen shall keep a record of their proceedings, subject to the inspection of any citizen of said town; and shall publish their by-laws and regulations, and deposit a copy thereof with the recorder.

Record of proceedings

"§ 14. Be it further enacted, That the mayor shall be clothed with all the powers conferred upon justices of the peace in this commonwealth, to be exercised within the corporate limits of said town of Marion.

Mayor to have powers of justice within town

"§ 15. Be it further enacted, That all acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.

Repeal of inconsistent acts

"§ 16. This act shall be in force from its passage."

Commencement

CHAP. 254.—An ACT to Incorporate the Atlantic and Alleghany Railroad Company.

Approved July 9, 1870.

Commissioners to open books of subscription at Richmond

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription in the city of Richmond, under the direction of Thos. W. McCance, Wm. G. Paine, Franklin Stearns, John C. Shields, Chas. E. Wortham, George Chaboon, James Neeson, John Purcell, Henry K. Ellyson, and Charles Talbott; at Henrico Courthouse, under the direction of John Wickham, John A. Hutchinson, L. S. Irvin, John B. Young, F. G. Morrison, and Henry Cox; at Chesterfield Courthouse, under the direction of James H. Cox, Wm. M. Ambers, Aug. Winfree, C. C. MacRae, M. M. Logan, and R. D. Minor; at Powhatan Courthouse, under the direction of W. J. Dance, John F. Lay, W. E. Royall, T. L. Robinson, Edward Scott, Z. G. Moorman, and R. F. Graves; at Cumberland Courthouse, under the direction of F. D. Irvin, E. R. Cocke, B. B. Woodson, George W. Palmore, T. H. Woodson, and John R. Wilson; at Buckingham Courthouse, under the direction of J. B. Ficklin, T. L. Bondurant, J. S. Nicholas, Camm Patterson, R. B. Eldridge, A. Mosby, John S. West, W. M. Campbell, and Chapman Glover; at Goochland Courthouse, under the direction of C. P. Stone, W. B. Stanard, C. R. Woodson, W. T. Walker, W. D. Leake, John D. Hobson, and A. M. Hamilton; at Fluvanna Courthouse, under the direction of Abraham Shepherd, R. C. Strange, William D. Haden, P. J. Winn, and James Galt; at Scottsville, under the direction of Isaac R. Barksdale, William Branch, H. N. Harrison, John S. Coles, and Henry Galt; at Lovington, under the direction of Robert Whitehead, N. F. Cabell, Joseph H. Shelton, S. C. Snead, and B. C. Massie; at Amherst Courthouse, under the direction of Robert A. Coghill, Henry Loving, Thomas Whitehead, Dr. Henry E. Smith, James M. Dillard, and William Sandidge; at Lexington, under the direction of Samuel F. Jordan, Jacob Fuller, E. S. Tutwiler, W. B. F. Leech, and Dr. Z. J. Walker; at Fincastle, under the direction of Charles T. Beale, William A. Glasgow, Dr. W. E. Walkup, James Goodwin, and James M. Spiller; at Arrington, in the county of Nelson, under the direction of Thomas P. Fitzpatrick, Jacob Wernick, and Nathan C. Taliaferro; at Covington, under the direction of Samuel Carpenter, Henry H. Robertson, Wm. Skeer, Thompson McAllister, and Wm. L. Alexander, or any three of them, for the purpose of receiving subscriptions, to an amount not exceeding ten millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the construction of a railroad from Richmond, by or near Arrington, in the county of Nelson, and Lexington, in the county of Rockbridge, to Clifton Forge, or some other suitable point of connection with the Chesapeake and Ohio railroad, in the county of Alleghany, or the county of Rockbridge.

At Henrico courthouse

At Chesterfield courthouse

At Powhatan courthouse

At Cumberland courthouse

At Buckingham courthouse

At Goochland courthouse

At Fluvanna courthouse

At Scottsville

At Lovington

At Amherst courthouse

At Lexington

At Fincastle

At Arrington

At Covington

2. Whenever one thousand shares of said capital stock shall have been subscribed by solvent parties, other than internal improvement companies, the subscribers, their executors, administrators, and assigns, shall be and they are hereby declared and constituted a body politic and corporate, under the name and style of The Atlantic and Alleghany Railroad Company, and shall be entitled to all the rights conferred, and subject to all the restrictions imposed by the Code of Virginia, and the acts amendatory thereof, and all general laws of the state relating to railroad companies, so far as the same are applicable to and not inconsistent with this act.

When corporation to begin

Its style

3. It shall be the duty of said company to commence the construction of said road within two years, and complete the same within six years after the passage of this act.

Within what time road commenced and completed

4. The first meeting of the subscribers to the stock for the organization of said company shall be held at such time and place as may be determined by the commissioners appointed for receiving subscription in the city of Richmond, or a majority of them; of which time and place, a notice of at least

Organization of company

twenty days shall be given in one or more newspapers published in the city of Richmond, and in one or more newspapers published in the city of Lynchburg. At such meeting of the subscribers to the stock, the books of subscription at the several places shall be returned to the commissioners for the city of Richmond; and if it shall be deemed advisable by said commissioners for the city of Richmond, or a majority of them, they may adjourn said meeting to a place and time for the purpose of organizing the company, to be determined by such commissioners, or a majority of them; and they may cause the books for subscription of stock, at the several places, to be re-opened, for the purpose of receiving additional subscriptions of stock, which may be represented at such adjourned meeting.

Notice

5. In all meetings of stockholders, each share of stock shall entitle the holder to one vote.

What may be done at such meeting

6. The said company may acquire land in payment of subscription of stock, by donation or otherwise, and may sell, lease, or otherwise dispose of the same, at their pleasure.

May acquire land by subscription

7. The said company may elect such number of directors, and provide for the appointment or election of such officers and agents as they may decide to be necessary for the management of its affairs.

Directors, officers and agents

8. The company may borrow such sums of money, and at such rates of interest, not exceeding the rate of interest allowed by law, as it may deem necessary and proper, and may execute liens upon its property, franchises, and revenues, to secure the payment of the principal and interest of such loans.

May borrow money

9. It shall be lawful for the Atlantic and Alleghany railroad company, which may be organized under the provisions of this act, to consolidate with the Chesapeake and Ohio railroad company upon such terms as may be agreed upon by the stockholders, respectively, of the two companies, in general meeting; and should said companies consolidate, as herein provided, they shall thereafter constitute one corporation, which shall be known as The Chesapeake and Ohio Railroad Com-

Upon what terms company may consolidate with Chesapeake and Ohio railroad

Proviso	pany; and which shall be vested with all the rights, privileges, franchises, and property which may have been vested in either of said companies prior to the act of consolidation, and shall be subject to all the laws of the state appertaining to railroad companies: provided, that the legislature shall have the right, at any time after said consolidation, to fix and regulate, by law, the maximum charges for way freights and travel upon said consolidated road.
Other incorporated companies may subscribe to stock	10. Any mining, manufacturing, banking, or other incorporated company, may subscribe to the stock of the Atlantic and Alleghany railroad company.
Connection with other works, right reserved. No discrimination	11. The state reserves the right to connect with the works of this company any other work of internal improvement; and no discrimination shall be made in the charges of said company against the trade and travel of any connecting work, and no discrimination shall be made in the charges on any connecting work against the trade and travel of the said company.
Commencement	12. This act shall take effect from and after its passage.

CHAP. 255.—An ACT to Incorporate the Central Loudoun Turnpike Company.

Approved July 9, 1870.

Books of subscription; where opened, and by whom	1. Be it enacted by the general assembly, That it shall be lawful to open books at Waterford, in the county of Loudoun, under the direction of William C. Shawen, William Williams, Edwin A. Atlee, James M. Walker, and Thomas Phillips; and at the following places in said county, namely: at Hamilton, under the direction of Geo. W. Janney, L. Dow Hess, Samuel Crockett, S. Thornton Nichols, and M. G. Hatcher; and at Lincoln, under the direction of Daniel J. Hoge, Phineas Janney, William B. McLellan, and Samuel N. Brown; and at Philamont, under the direction of Joseph Nichols, John J. Dillon, William Piggott, John A. Carter, and Enoch Fenton, for receiving subscriptions, in shares of twenty-five dollars each, for the purpose of constructing a turnpike from Waterford, by Hamilton and Lincoln, to a point on the Aldie turnpike, at or near Philamont: provided, that any two of the commissioners named at each place may constitute a quorum to open said books.
Shares	2. Be it further enacted, That the sections of the road shall be as follows, namely: first section, from Waterford to Hamilton; second section, from Hamilton to Lincoln; third section, from Lincoln to a point at or near Philamont.
Location of road	
Sections of road	3. Be it further enacted, That in the primary organization of said company, and in all subsequent meetings of the same, each stockholder shall be entitled to cast, in person or by proxy, one vote for each share of stock held in said company; and at such primary organization, it shall be competent to elect such number of directors as the stockholders may see fit, and to determine the mode of electing a president and directors.
Voting	
Directors	

4. Be it further enacted, That when five thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company under the name and style of The Central Loudoun Turnpike Company, subject to the provisions of the Code of Virginia, except as herein provided, and that the ultimate capital stock may be one hundred and fifty thousand dollars.

When corporation to commence; its style, &c.

5. Be it further enacted, That said company is hereby authorized to build lateral or branch roads in any direction, not exceeding twelve miles; and may, for such purpose, open books at such times and places, and under such regulations and persons, as the board of directors may prescribe.

Branch roads

6. Be it further enacted, That the subscribers may designate, at the time of subscribing, to which section their subscription must be applied.

Subscribers may designate section to which their subscription applied
Directors; how arranged

7. That the directors shall be so arranged as to represent all sections of the road, that may be represented by subscriptions, at the time of organization of the company, or at any annual meeting or other general meeting of the company, and in case of death, resignation, or other incapacity of a director, the board of directors may supply the vacancy until the next general meeting of the company.

How vacancies supplied

8. That said road shall be graded twenty feet wide, and shall be McAdamized for one-half its width before it shall be lawful to charge tolls, and the tolls of each section shall be in proportion to the lawful tolls that the length of that section shall be to five miles, and that the grade of the road shall not exceed seven feet to the hundred. The side ditches shall not be less than two feet deep and two feet wide at the bottom, and that all water shall be conducted under and not over the road-bed.

Grading of road, and rate of charging toll

Ditches

9. That said company may, with the consent of the county court, (or board of supervisors, as may be provided by general law,) occupy any turnpike that may have been abandoned to the county, or any county road: provided, however, that no toll-gates shall be erected on any abandoned pike; and that the county of Loudoun may subscribe to the capital stock of said company one-third of the same, in the mode now or hereafter to be prescribed by law: provided, that no bonds issued by the county shall be paid to said company at a faster rate than the private subscriptions shall be paid in.

How company may occupy other roads

Proviso

10. This act shall be in force from its passage.

Commencement

CHAP. 256.—An ACT Chartering the Virginia Cane-Fibre Company.

Approved July 9, 1870.

1. Be it enacted by the general assembly of the state of Virginia, That Robert W. Russell, Johannes Roth, William S. R. Ogilby, Ferdinand Schultheis, and William P. Arnold, and such other persons, citizens of the United States, as may be

The Virginia Cane-Fibre Company incorporated

hereafter associated with them, shall be and are hereby ordained, constituted, and declared a body politic and corporate, in fact and in name, by the name of The Virginia Cane-Fibre Company, and shall possess the general powers and privileges of corporations; and shall be capable of purchasing, holding, and conveying, without restriction, any lands and tenements and other property, or any interest therein, which may be necessary or expedient for the purposes of the business of the said corporation—that is to say: the business of disintegrating the reed-cane and other fibrous vegetable substances, and converting the fibre into paper-stock, and for other purposes, and manufacturing the same into building paper, pasteboard, paper-box board, papier mache, and paper of various kinds, and other articles, in this state and elsewhere.

Capital and shares

2. That the capital stock of the said company shall be one hundred thousand dollars, in one thousand shares of one hundred dollars each, with liberty to increase the same, from time to time, to one million of dollars, by a resolution of the board of directors of the said company. The said company shall organize when its minimum capital is subscribed and paid up.

When company may organize

Transfer of property of New York and Fredericksburg Cane-Fibre company

That the said shares shall be issued to the persons named in the first section of this act, in consideration of a transfer made, or procured to be made, by them unto the said company, of the following described property—that is to say: the manufactory, machinery, patent rights, and other property, in this state, belonging to the New York and Fredericksburg cane-fibre company—a corporation incorporated under the laws of the state of New York; which said one thousand shares shall be deemed and considered to be full paid-up stock.

How company may purchase machinery, land, &c.

The said company shall be authorized to purchase any manufactory, machinery, land, or other property necessary or expedient for the purposes of its business, and pay for the same in shares of its capital stock, issued for that purpose; which stock, so issued, shall be deemed full paid-up stock.

May borrow money, &c.

And the said company shall be authorized to dispose of its shares of stock and borrow money on such terms as it may deem expedient.

Liability of stockholders

The stockholders shall be liable only to the payment of the full amount due by them for their shares of stock; and no stockholder holding full paid-up stock, shall be liable for any calls or contributions, or for any of the debts or obligations of the company.

Directors

3. That the persons named in the first section of this act, shall be the directors of the said company until others are elected, as prescribed by the by-laws; and that they may hold their first meeting upon the call of any three or more of them.

By-laws, &c.

The directors shall hereafter be chosen by the stockholders, at such times and manner as the by-laws may prescribe. The said company may, by its by-laws, enacted from time to time by its board of directors, make rules and regulations for the management of the affairs and business of the company, and its reports and accounts; the purchase and sale, or other disposition of property; the sale, issue, and transfer of stock; the evidences of ownership thereof; the number of directors,

and the increase of the capital stock; and may, by such by-laws, define the powers and duties of the president and other officers of the company, and of an executive committee of the board of directors; and provide for their removal at the pleasure of the board, and also for the filling of any vacancies caused by such removal, or by the death, resignation, or inability to act, of any of the said officers or committee, or by the death or resignation of any of the directors; and may prescribe the mode of convening meetings of the stockholders and directors; and make rules for the conduct and management of the proceedings at such meetings, the right of voting, the regulation of the elections, the verification of proxies, the inspection of the votes, and the recording of the proceedings. All the powers vested in the said company may be exercised by the board of directors.

Powers of board of directors

4. That the meetings of stockholders and board of directors may be held out of as well as within this state, at such times and places as may be provided by the by-laws. And the principal office and the books of the company shall be kept at such place or places, within or out of this state, as the directors may, from time to time, select.

Meetings, where held; office of company

5. That this act shall be subject to all general laws relating to incorporated companies, applicable to and not inconsistent with this act.

Charter subject to general laws

6. This act shall be in force from its passage.

Commencement

CHAP. 257.—An ACT to Amend and Re-enact Second Section of Chapter 207 of Code of Virginia (edition of 1860), as to Information, Presentment, or Indictment.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That section second of chapter two hundred and seven of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

Code of Va., chap. 207, § 2, amended as to information, presentment or indictment

“§ 2. An information may be filed upon a presentment or indictment by a grand jury, or upon a complaint in writing, verified by the oath of a competent witness; but no person shall be put upon trial for any felony, unless an indictment shall have first been found by a grand jury in a court of competent jurisdiction. If the accused be in custody, or has been recognized or summoned to answer such presentment, indictment, or complaint, no other process shall be necessary; but the court may, in its discretion, issue process to compel the appearance of the accused.”

2. This act shall be in force from and after the first of July, one thousand eight hundred and seventy.

Commencement

CHAP. 258.—An ACT for Allowing Compensation to Late Clerk of the Hustings Court of Richmond.

Approved July 11, 1870.

Allowance to
late clerk of
hustings court
of Richmond

1. Be it enacted by the general assembly of Virginia, That the judge of the hustings court of the city of Richmond may allow such sum to the late clerk of the late hustings court of the city of Richmond as he may deem proper, for services for which no other compensation is made by law; said allowance to be paid out of the treasury of the said city.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 259.—An ACT to Establish and Maintain a Uniform System of Public Free Schools.

Approved July 11, 1870.

Public free
schools

1. Be it enacted by the general assembly, That there shall be established and maintained, in this state, a uniform system of public free schools.

Authorities.

By whom ad-
ministered

★

2. The public free school system shall be administered by the following authorities, to wit: a board of education, a superintendent of public instruction, county superintendents of schools, and district school trustees.

Of the board of education.

Board of educa-
tion

3. The board of education shall be a corporation by that name, and shall consist of the governor, the superintendent of public instruction, and the attorney-general. It shall have all the rights and powers now or heretofore vested in the board of the literary fund. The governor shall be the president of the board, if he is present, and in his absence one of the other members shall be called to preside.

Meeting of
board
Notice and
place

4. A meeting of the board may be held at any time upon the call of any member thereof: provided, that due notice of the time of holding such meeting be given to all the members. The place of meeting shall, ordinarily, be the office of the superintendent of public instruction.

Record of pro-
ceedings

5. A faithful record shall be kept of all the proceedings of the board, which shall be signed by the member presiding at the sitting when they occurred, and shall be at all times open to inspection. A copy thereof, or any part of the same, certified by the secretary of the board, shall be evidence in all cases in which the original would be.

Money to credit
of literary fund;
how recoverable

6. Any money which ought to be paid into the public treasury to the credit of the literary fund, shall (unless other provision be made therefor) be recoverable, with interest, in the

manner prescribed by the first section of the seventy-first chapter of the Code of Virginia, of the year eighteen hundred and sixty, for the recovery of money, to be paid to the credit of the fund for internal improvement. And the second, third, fourth, and fifth sections of that chapter shall apply also to the board of education.

7. The duties of the board of education shall be as follows, Duties of board viz:

First—To make by-laws and regulations for its own govern- By-laws, &c.
ment, and for carrying into effect the school laws.

Second—To observe the operations of the free school sys- Suggestions
tem, and to suggest to the general assembly any improve-
ments deemed advisable therein.

Third—To invest all the capital and unappropriated in- Investment of income
come of the literary fund in certificates of debt of the United States, or certificates of debt of, or guaranteed by this state, or in bonds of railroad companies, secured by first mortgage, whose market value for six months preceding the investment has not been less than ninety cents in the dollar. And the said board may call in any such investment, or any heretofore made, and re-invest the same as aforesaid, whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in original certificates of debt of this state, no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the second auditor for safe keeping, who shall return, with his annual report, a list thereof, and statement of their value.

Fourth—To appoint and remove district school trustees, Appointment, &c., of teachers
until otherwise provided.

Fifth—To appoint and remove county superintendents of Appointment, &c., of county superintendents
schools, subject to confirmation by the senate: provided, that Vacancies, &c.
vacancies may be filled on their occurrence, and that any such action taken by the board in the recess of the general assembly shall continue in force until the expiration of thirty days after the assembling of the next general assembly.

Sixth—To order the sense of voters to be taken in counties Sense of votes; how taken
or districts on all matters which may be properly so referred under the provisions of this act, whenever deemed proper by the board, and to make suitable regulations for conducting the same and ascertaining the results thereof, either in connection with elections for other purposes, or by special arrangements, when necessary.

Seventh—To decide appeals from decisions of the superin- Appeals from decisions of superintendent
tendent of public instruction: provided, that all the facts and arguments in each case shall be presented in writing.

Eighth—To determine the necessary contingent expenses Contingent expenses of superintendent
of the superintendent's office, including stationery, postage, printing, furniture, and other necessary charges; to examine the accounts thereof, and certify the same for payment, when approved.

Ninth—To audit all claims arising under this act which are Auditing claims, &c.
to be liquidated out of the state funds, and to allow so much

Proviso	thereof as shall appear to be due: provided, that not more than ten years shall have elapsed from the time when, by law, such claim might have been presented for payment. For any claims so allowed, certified by the secretary and the presiding officer of the board, the second auditor shall issue his warrant on the treasurer, signed by the said auditor and attested by one of his clerks. All money belonging to the literary fund shall also be received into the treasury on the warrant of the same auditor, who shall also be the accountant of the said fund.
Second auditor to issue warrant	
Literary fund; on whose warrant received	
Clerk to superintendent	Tenth—To approve the appointment of a clerk for the office of superintendent of public instruction, who shall also act as secretary of the board, upon the nomination of the superintendent of public instruction: provided, that the compensation of such officer shall be fixed by the board of education, not to exceed twelve hundred dollars per annum.
Administration of school system	Eleventh—To regulate all matters arising in the practical administration of the school system, which are not otherwise provided for.
Annual report	Twelfth—To make an annual report to the legislature, on or before the first day of November, covering the annual report of the superintendent of public instruction, giving an account of the operations of the board during the year ending the preceding thirty-first day of August (which shall in all cases be deemed the end of the school year), and especially showing the condition of the literary fund, and making suggestions with regard to the same.
County superintendents; how punished	Thirteenth—To punish county superintendents for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay, by suspension from office and pay for a certain time, or by removal, subject in the latter case to confirmation by the senate, as hereinbefore provided.

Of the superintendent of public instruction.

Superintendent of public instruction	8. A superintendent of public instruction shall be elected by the general assembly, by joint vote, within thirty days after the meeting of eighteen hundred and seventy-three and seventy-four, and every four years thereafter, the term of office to commence on the fifteenth day of the March following his election; any vacancy in the office arising from death, resignation, removal from the commonwealth, permanent disability, or otherwise, to be filled by the governor temporarily, if the same occur during the recess of the general assembly, the commission to expire at the end of thirty days after the next assembling of that body, whose duty it shall be to elect a successor, who shall enter upon his duties as soon as practicable after his election, and shall continue to serve four years from the fifteenth day of the March following his election.
Salary	9. The salary of the superintendent of public instruction shall be payable monthly, and shall be such as the general assembly shall, from time to time, direct. For the year ending the fifteenth day of March, eighteen hundred and seventy-one, it shall be two thousand dollars. He shall also be allowed his

necessary traveling expenses, whilst engaged in the duties of his office, to be approved by the board of education, not to exceed, in the aggregate, five hundred dollars in any one year.

10. A convenient office shall be provided for the use of the Office superintendent of public instruction and the board of education.

11. The superintendent of public instruction shall be the chief executive of the public free school system, upon whom shall devolve the following duties, to wit: His duties

First—He shall take care that the school laws and regulations be faithfully executed, and shall use all proper means to promote an appreciation and desire of education among the people. Execution of school laws

Second—It shall be his duty to determine the true intent and meaning of the school laws and regulations, and to explain to the county superintendents and other school officers the several duties enjoined thereby upon them, and his decision shall be final, unless and until reversed by the board of education. Interpretation thereof

Third—He shall prepare suitable registers, blank forms, and regulations for making all reports and for conducting all necessary business under this act, and by circulars and otherwise, shall give such information and instructions as he shall deem conducive to the proper organization and government of the public free schools and the due execution of their duties by the school officers. Registers, forms, &c.

Fourth—He shall require of county superintendents detailed reports annually, and as often besides as he may deem proper; and he may require special reports, at any time, of any officer connected with the school system. He may also appoint persons, at his discretion, to visit or examine all or any of the public free schools in the county wherein such persons reside, and report to him, touching all such matters respecting their condition and management, and the means of improving them, as he may indicate; but no allowance or compensation shall be made to such persons for their services or expenses. Reports from county superintendents

Fifth—It shall be his duty, as often as may be consistent with his other official engagements, to make tours of inspection among the public free schools throughout the state. Tours of inspection

Sixth—He shall decide all appeals from decisions of county superintendents of schools, when made in prescribed form; but he may, at his discretion, refer the matter to the board of education, whose decision shall always be final. But appeals shall lie in all cases from the decisions of the superintendent of public instruction to the board of education. Decision of appeals

Seventh—Copies of his decisions and of the decisions of the board, as well as of all his official papers, shall be kept on file in his office, and be open to the inspection of persons concerned. Decisions, &c.; where kept

Eighth—He shall also preserve, in convenient arrangement in his office, all such school documents from other states and governments, books or pamphlets on educational subjects, school books, apparatus, maps, charts, and the like, as have been or shall be furnished gratuitously for public use, or purchased for the use of his office. School documents, &c.

Apportionment
of school funds

Ninth—He shall annually, and as often besides as he may deem necessary, prepare a scheme for apportioning the money appropriated by the state for public free school purposes, among the several counties and cities on the basis of the number of children between the ages of five and twenty-one years, in each school district, as ascertained from the census of the previous year, or in default of that, from the latest and best official authority accessible to him. This scheme shall be accompanied by summaries of the data on which the same is founded, and when approved by the board of education, a copy thereof and of the summaries aforesaid, shall be furnished to the second auditor, to each county superintendent of schools, and to each county treasurer.

Official seal

Tenth—He shall provide for his office a suitable official seal, with which he may authenticate official documents.

Annual report

Eleventh—He shall annually submit to the board of education, on or before the first day of October, a detailed report of his official proceedings for the year ending the thirty-first day of August preceding, exhibiting a plain statistical account of receipts and expenditures for public free schools, and of their condition and progress, showing the number of children, male and female, white and colored, respectively, in the state, and in each county, city and school district between the ages of five and twenty-one years, the average and total number at school during the year, the average wages paid to teachers of either sex, the amount of each branch of school expenditure severally, the cost of education per scholar, and whatever else may tend to show the degree of success and usefulness of the system. He shall also be at liberty, and it shall be his duty, to offer suggestions to the board of education and to the general assembly, concerning matters pertaining to his department, at any time that the public interest seems to him to require it.

Other duties

Twelfth—He shall discharge any other duties which may hereafter be required of him by law.

Of county superintendents.

County superin-
tendents

12. The regular term of office for county superintendents shall be three years from the first day of January next succeeding their appointment.

Their pay

13. The pay of the county superintendents of schools shall be determined by the board of education; but not to exceed the annual rate of fifteen dollars for every thousand of population, rejecting fractions, together with five dollars for every public free school of one teacher, and ten dollars for every graded school maintained according to law within the territory under their supervision: provided, that the salary of no county superintendent shall be more than three hundred and fifty dollars a year.

Duties

14. The duties of each county superintendent of schools shall be as follows, viz:

Explain school
system

First—To explain the school system upon all suitable occasions, and to promote an appreciation and desire of education among the people by all proper means in his power.

Second—To take the needful steps, under directions from the superintendent of public instruction, to submit to the voters of each county the question whether the county shall raise additional sums, by taxation therein, for the support of public free schools, not exceeding the amount of the apportionment from the state, together with the allowance to the county superintendent of the amount designated by the board of education, not exceeding the amount specified in the preceding sections: provided, that if upon any such proposition, the votes for and against it shall be equal, the county superintendent of school shall give the casting vote.

To take vote for additional sums

Casting vote

Third—To prepare annually, and at such other times as may be necessary, under directions from the superintendent of public instruction, a scheme for apportioning the state and county school funds among the school districts within each county under his supervision; which scheme, having been first submitted to the superintendent of public instruction, and approved by him, a copy thereof shall be furnished to the county treasurer, and to the clerk of each school district, and also to the editor of each newspaper which may be published within the county.

Scheme for apportioning funds

Fourth—To examine persons applying for license to teach in the public free schools, and if satisfied as to their capacity, acquirements, morals, and general fitness, to grant them certificates of limited duration, subject to revocation; all to be done in accordance with directions from the superintendent of public instruction.

Examination of persons to teach

Fifth—To promote the improvement and efficiency of teachers by all suitable and proper methods, under directions from the superintendent of public instruction.

Improvement of teachers

Sixth—To assist in the organization of boards of district school trustees, with the privilege of being present at all meetings of such boards, and of participating in the discussions of questions therein, but not of voting.

Boards of district school trustees

Seventh—To visit and examine all the schools and school districts under his care as often as practicable, to inquire into all matters relating to their management, the course of study and mode of instruction therein, their text books and discipline, the condition of the school-houses, sites, out-buildings and appendages, and in general, into whatever concerns the usefulness and perfection of the public free schools under his supervision; to examine the records and official papers of the school districts, to advise with and counsel the school trustees and teachers in relation to their duties, and to call especial attention to any neglect or violations of any laws or regulations pertaining thereto; and when necessary, to take lawful measures to abate nuisances, or to condemn, as unfit to be longer used, any school-houses, the occupancy of which, for any reason, is likely to endanger the health of the pupils.

Visiting schools, &c.

Eighth—To decide finally all appeals or complaints concerning the acts of any persons connected with the school system within his bounds unless the matters in question are properly referable to other authorities: provided, that teachers or officers belonging to the system shall have the right of

appealing from the decisions of the county superintendent to the superintendent of public instruction.

To administer oaths and take testimony

Ninth—To administer oaths and take testimony in all matters relating to public schools, whenever required, in cases pending or to come before himself or before the superintendent of public instruction, or before the board of education.

Record

Tenth—To keep in a bound volume a record of his own official acts, and to file methodically all official papers.

Reports of statistics

Eleventh—To require from clerks of boards of district school trustees detailed reports annually, and oftener if necessary, of the statistics touching the public free schools of their respective districts, as the said county superintendent shall prescribe.

Other duties

Twelfth—To observe such directions and regulations as the superintendent of public instruction may from time to time prescribe; to make special reports to that officer whenever required, and on or before the tenth day of September, annually, to make to him a report for the year ending the thirty-first day of August preceding, in such form and containing all such particulars as shall be prescribed and called for; and until such annual report shall have been received at the office of the superintendent of public instruction, the county superintendent shall not draw his last instalment of pay from the state treasury. A copy of the said annual report, unless the superintendent of public instruction shall direct otherwise, shall be furnished to every newspaper published in the county.

Annual report to superintendent of public instruction

How published

Of district school trustees.

District school trustees; how appointed

15. As soon as may be after this act shall take effect, the board of education shall appoint in each school district in the state, three school trustees, to serve one, two, and three years, respectively; and annually thereafter, it shall appoint the school trustee in each school district, to serve for three years.

Who not to be chosen

16. No supervisor or county treasurer shall be chosen or be allowed to act as district school trustee.

Resident of his district

17. Every school trustee shall, at the time of his appointment, be a resident of the school district for which he is appointed; and if he shall cease to be a resident thereof, his office shall be deemed vacant, and a successor shall be appointed.

Exempt from jury duty, &c.

18. Every school trustee shall be exempt from serving on juries, from working on roads (but not from any road tax on property), and from militia service in time of peace.

How notified of his appointment

19. Every person appointed school trustee, shall be promptly notified of his appointment by the county superintendent of schools; and unless, within ten days thereafter, he shall inform the said county superintendent in writing that he declines, he shall be regarded as in office, and subject to all the laws and regulations pertaining thereto.

Meeting and organization

20. Each board of school trustees shall hold its first meeting at the call of the county superintendent of schools, two members constituting a quorum; and at this meeting, one of the members shall be appointed chairman and another clerk.

21. It shall be the duty of the clerk, within sixty days after his appointment, and annually thereafter, in the month of July, to take a census of all persons residing in the school district between the ages of five and twenty-one years, and to gather statistics relating to the interests of education, according to forms furnished from the office of the superintendent of public instruction.

Clerk; his duty
Census of children

22. The clerk shall keep in a bound volume a record of the proceedings of the board, and in another book a cash account and a record of his own official acts, and shall keep on file vouchers, contracts, and other official papers; all of which shall be open to the inspection of the county superintendent of schools, and of every citizen of the district, and shall be subject to such periodical examinations as shall be prescribed by the board of education.

Record of board, &c.
How examined

23. The clerk shall discharge such other duties in connection with the school business of the district as may be required of him, and for his services, he may be allowed, out of the district funds, not exceeding two dollars a day for every day of service rendered.

Other duties; compensation

24. The duties of boards of school trustees shall be, in general, as follows, subject to be defined more particularly by the board of education, and in other parts of this act, to wit:

Duties of trustees

First—To explain and enforce the school laws and regulations, and themselves to observe the same.

Enforce school laws

Second—To employ teachers and to dismiss them, when delinquent, inefficient, or in any wise unworthy of the position.

Employ teachers

Third—To suspend or dismiss pupils when the prosperity and efficiency of the schools make it necessary.

Control over pupils

Fourth—To decide what children, wishing to enter the schools of the district, are entitled, by reason of the poverty of their parents or guardians, to receive text-books free of charge, and to provide for supplying them accordingly.

Text-books for poor children

Fifth—To see that the census of children, required by section twenty-one of this act, is taken in the proper time and in proper manner.

Census of children

Sixth—To hold regular meetings at fixed periods, to be prescribed by the board of education, and special meetings, when called by the chairman or by any two members.

Meetings

Seventh—To call meetings of the people of the district for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside, if present.

Meetings of people of district

Eighth—To prepare and submit to the voters of the district questions touching a tax on the property in the district, in order to provide school houses, school books for indigent children, and other school appliances and current expenses, such as are prescribed by law. When practicable, these questions shall be submitted in connection with elections held for other purposes, under the general election law of the state; but the polls may be opened for the same purpose at such other times and under such regulations as may be prescribed by the board of education. If in any case occurring under this act, there should, on polling the votes, prove to be an equal number of

Vote on school tax

When polls may be opened

votes on both sides, the chairman of the board of district school trustees shall give the casting vote.

School property Ninth—To take care of, manage, and control the school property of the district.

Report to county superintendent Tenth—To report on any special matter when required by the county superintendent of schools, and to report to him annually, by the tenth day of September, down to the first day of that month, on all subjects indicated in the blank forms supplied for the purpose, and until that report shall be delivered, the clerk shall not be allowed to draw his last instalment of pay for his services.

To visit schools Eleventh—To visit the public free schools within the district from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Of school districts.

School districts 25. School districts shall be numbered, or named, in the several townships, by the county superintendents of schools, and shall be duly reported to the superintendent of public instruction, and recorded in his office and also in that of the clerk of the county court.

Each district a body corporate; how designated, &c. 26. Each district shall be a body corporate, and shall be designated as school district number , in township, in the county of , by which name it may sue and be sued, contract and be contracted with, and take, hold, and convey property.

Present arrangement as to boundaries 27. Until further provided, the districts shall correspond in boundaries with the townships.

General rules for officers.

General rules for officers 28. Higher officers may temporarily discharge, or make special provision for the discharge of, the duties of the lower, in cases of absence, neglect, disability, or unsupplied vacancy.

Restrictions on school officers 29. No member of the board of education, nor any county superintendent of schools, nor school trustee, nor any other school officer, nor any teacher of a public free school, shall have any pecuniary interest, directly or indirectly, in supplying books, maps, school furniture, or apparatus to the public free schools of this state, nor shall act as agent for any author, publisher, bookseller, or dealer in any such school furniture or apparatus, or directly or indirectly receive any gift, emolument, reward, or promise of reward, for his influence in recommending or procuring the use of any book, map, or school apparatus or furniture of any kind in any public free school of this state. And any school officer or teacher who shall violate this provision, besides being removed from his post, shall be subject to a penalty of not less than ten nor more than five hundred dollars.

Exceptions Exceptions to the requirements of this section may be made by the board of education, in the case of a school officer being the author of school books or maps, or the inventor of school furniture or apparatus, in which case the board of education may, at its discretion, make specific arrangements

whereby such school officer may, if his book or invention be adopted by proper authority, enjoy the benefits of the proceeds thereof without offence: provided, that no unfair advantage be allowed over other competitors in securing the adoption of the book or invention.

30. All school officers going out of office, shall deliver to their successors the records and all official papers belonging to the office. In case of the refusal or failure of any officer to do so, on demand by his successor, he shall forfeit not less than twenty-five nor more than one hundred dollars therefor, and a like penalty for each month during which he shall persist in withholding the same.

Duty of those going out of office
Penalty

31. Any county superintendent of schools, school trustee, or other school officer, or any teacher in a public free school, who shall, by malfeasance or neglect, offend against the provisions of this act, if no other specific penalty be prescribed, shall be subject to a fine of not less than five nor more than fifty dollars for each offence.

Other punishments

32. All penalties and forfeitures imposed by this act upon a county superintendent of schools, shall be for the benefit of the public free schools of the county, and all penalties imposed upon school trustees, or other district school officers, or upon teachers, shall be for the benefit of the public free schools of the district where the offence is committed. The suit for such penalties shall be in the name of the commonwealth, and if prosecuted in a court of record, it shall be the duty of the attorney for the commonwealth for the county to conduct the same. It shall also be the duty of the attorney for the commonwealth and any school officer of the county, or of any school district, as the case may be, to set such prosecution on foot: provided, that if a penalty shall be inflicted for any such offence, by any of the school authorities in pursuance of this act, the party shall not be a second time subjected to a penalty therefor.

Penalties and forfeitures; how applied

How sued for

Duty of commonwealth's attorney, &c.

Proviso

Of teachers.

33. No teacher of a public free school shall be employed, or shall receive any pay from the public funds, unless he or she shall hold a certificate of qualification in full force, given to him or her by the county superintendent for the county within which he or she is employed. No such payment shall be allowed if made, and any officer who shall make or sanction it, shall also be subject to a penalty of not less than five nor more than fifty dollars.

Teachers to hold certificate; from whom

Penalty

34. Every teacher in a public free school shall keep a daily register of facts pertaining to his school, in such form as the school regulations shall require, and shall be responsible for the safe-keeping and delivery of the same to the clerk of the school district at the close of the school term, or of the period of his service, whichever shall first happen.

Daily register

35. Written contracts shall be made with all public free school teachers, in a form to be prescribed by the school regu-

Contract with teachers

lations, before they enter upon their duties. Such contracts shall be signed in duplicate, each party holding a copy.

Teacher may
suspend pupil

36. A teacher of a public free school may, for sufficient cause, suspend pupils from attendance on the school until the case is decided by the board of school trustees, which shall be with as little delay as possible.

Exemptions

37. A teacher of a public free school, whilst acting as such, during vacation as well as during the school term, shall enjoy the same exemptions which are granted to school trustees.

Meetings of
teachers

38. The board of education shall have power, at its discretion, to invite and encourage meetings of teachers at convenient places, and to procure addresses to be made before such meetings, touching the processes of school organization, discipline, and instruction: provided, that no public money shall be expended for the purposes of this section.

Of schools and school property.

Schools and
school property

39. School houses, school furniture, school apparatus, and all other school property pertaining to each school district, shall be vested in such district, and held by it as a corporation, in pursuance of section twenty-six of this act.

Donations for
schools

40. Counties and school districts, as corporate bodies, may receive donations of real or personal property for the benefit of public free schools within their respective limits; and such property, when given to a county, shall be managed and applied by the county superintendent of schools; and when given to a school district, shall be managed and applied by the school trustees of such district, according to the wishes of the donors, under regulations prescribed by the board of education, whose duty it shall be, on any change in the limits of the county or district, to make provision for the continued fulfilment of the purposes of such donors, as far as practicable.

School houses
and furniture;
how provided

41. The board of school trustees shall provide suitable school houses, with proper furniture and appliances, in every school district; and to that end may hire, purchase, or build such houses, according to the exigencies of the district and the means at their disposal.

School houses;
how located

42. If, in the judgment of such school trustees, the public interests demand that a school house be located on a particular spot, and no equitable arrangement for its purchase prove to be practicable, the board of trustees shall be authorized, and it shall be its duty, to cause the desired parcel of land to be surveyed by the county or other competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the county court, and thereupon shall ensue the same proceedings as are prescribed to enable a company, county, or town to take land without the owner's consent, in sections six to twenty-one inclusive, of chapter fifty-six of the Code of eighteen hundred and sixty, or in any amendment of the same or other law providing for the condemnation of land for such purposes: provided, that no parcel of land thus condemned shall exceed forty square

Survey of loca-
tion and plat of
same

Proviso

poles in a city, eighty square poles in an incorporated town, or five acres in the country: and provided also, that no dwelling, yard, garden, or orchard shall be invaded, nor in an unincorporated village, any space within one hundred feet of a dwelling, nor in the country, any space within four hundred yards of a mansion house without the consent of the owner.

43. In erecting or providing school houses for public free schools, the utmost economy shall be observed consistent with health and decency, and no house shall be erected without first consulting with the county superintendent concerning the style of the structure and the arrangements about the buildings and grounds. No public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school house shall appear to the county superintendent of schools to be thus unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the board of district school trustees, and thenceforth no public free school shall be held therein, nor shall any part of the state or county fund be applied to support any school in such house until the county superintendent shall certify, in writing, to the board of district school trustees, that he is satisfied with the condition of such building and with the appliances pertaining thereto.

Style and expense in structure

How provided

How condemned

44. No school district shall receive any part of the funds unless it has made provision for school houses, furniture, apparatus, text-books for indigent children, and all other means and appliances needful for the successful operation of the schools.

When school district not to receive part of school funds

45. The pay of teachers shall be drawn from the state and county funds in the same proportion which those funds may bear to each other.

Pay of teachers

46. No state money shall be paid for a public free school in any school district, until there is filed with the county superintendent a written statement, signed by the chairman and clerk of the board of district school trustees, testifying that the school has been kept in operation for five months during the current school year, or that arrangements have been made which will secure the keeping it in operation that length of time: provided, that in case of the unavoidable discontinuance of a school before the expiration of the time required, the board of education shall be allowed to relax the requirements of this section, and to decide the case on its merits.

When state money to be paid for public school

47. The public free schools shall be free to all persons between the ages of five and twenty-one years, residing within the school district; and in special cases, to be regulated by the board of education, those residing in other districts may be admitted: provided, that white and colored persons shall not be taught in the same school, but in separate schools, under the same general regulations as to management, usefulness, and efficiency; but no person shall be allowed to attend any public school whose father, if he be alive and resident within the school district, and not a pauper, shall not have paid the capitation tax in aid of public free schools last assessed on him, in

Public schools; to whom free

Proviso

pursuance of section five of article ten of the constitution, and section fifty-seven of this act.

Number re-
quired to form
school

48. A minimum number of pupils, under regulations to be prescribed by the board of education, shall be required in order to form a public free school, and special provisions shall be made whereby minorities in a district, who might, under the general law, be deprived of the benefits of free school education, may enjoy a proportionate share of the school funds.

Contagious dis-
eases, &c.

49. Persons suffering with contagious diseases shall be excluded from the public free schools while in that condition, and the teachers shall require of the pupils cleanliness of person, and good behavior during their attendance at the school and on the way thither and back to their homes; and no pupils shall be admitted unless they have been vaccinated.

X What shall be
taught

50. In every public free school shall be taught orthography, reading, writing, arithmetic, grammar, and geography; and no other branches shall be introduced except as allowed by special regulations to be devised by the board of education.

X Text-books and
furniture

51. Uniformity of text-books, and the furnishing of school houses with such apparatus and library as may be necessary, shall be provided for on some gradual system by the board of education.

Graded schools

52. In all localities where the number of children is sufficient, preference shall be given, under suitable regulations, to graded schools: that is to say, to schools in which the pupils are taught in the same building, but in different rooms and by different teachers, according to advancement—the studies being the same as in the schools which have but one teacher.

Number of
schools in the
state

53. The number of schools in the state shall be according to the funds available for the purpose, and they shall be distributed, under the direction of the board of education, amongst the counties and cities, in proportion to the number of children between the ages of five and twenty-one years, resident in such counties and cities.

Multiplication
of schools; how
regulated

54. It shall be the duty of the board of education to guard, by regulation, against so great a multiplication of schools, in proportion to the funds provided, as will tend to occasion a low grade of instruction in the public free schools.

In case of in-
sufficiency of
funds allotted to
county, how
schools to be es-
tablished

55. When the funds apportioned to a county are not sufficient to allow of a school in every district thereof, the location of the school or schools to be established shall be determined by a convention, summoned and presided over by the county superintendent; which convention shall be composed of a representative from each board of district school trustees in the county, and shall be held as soon as practicable after the county appropriation has been voted. In determining locations of schools in such cases, reference shall be had to density of population, accessibility to the county at large, and the most advantageous offers of accommodations and aid: provided, that the schools so located, shall be opened under such regulations as that the scholars of no district shall be deprived of the benefits of a school. In the event of an equal number of votes on both sides in any such convention, the casting vote shall be given by the county superintendent.

Casting vote

School funds.

56. There shall be and are hereby set apart as a permanent and perpetual literary fund, the present literary funds of the state, the proceeds of all public lands donated by congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the state by forfeiture, and all fines collected for offences committed against the state, donations made for the purpose, and such other sums as the general assembly may appropriate. The same shall be known by the name of The Literary Fund, and shall be invested and managed by the board of education, as prescribed in clause three of section seven of this act. The principal of the said fund shall always remain unimpaired and entire, and the annual income arising therefrom shall be and hereby is dedicated exclusively to the support and maintenance of public free schools in this state. School funds

57. The funds applicable annually to the establishment, support, and maintenance of public free schools in this state, shall consist of—

First—State funds—embracing the annual interest on the literary fund, a capitation tax of not exceeding one dollar per annum on every male citizen who has attained the age of twenty-one years, and such tax on property, not less than one mill nor more than five mills on the dollar, as the general assembly shall from time to time order to be levied. State funds; embracing what

Second—County funds—embracing such tax as shall be agreed to by the voters of any county, in pursuance of clause two of section fourteen of this act, fines and penalties imposed in pursuance of section thirty-two of the same, and donations, or the income arising therefrom, in pursuance of section forty hereof. County funds

Third—District funds—embracing such tax as shall be agreed to by the voters of any school district, in pursuance of clause six of section twenty-four of this act, fines and penalties imposed in pursuance of section thirty-three of the same, and donations, or the income arising therefrom, in pursuance of section forty hereof: provided, that no tax, to be raised by counties or school districts for the support of public free schools, shall in any case exceed five mills on a dollar in any one year. District funds.

58. Taxes imposed for public free school purposes, whether by the state, county, or district, shall be assessed and collected like other taxes: provided, that the board of education may, when circumstances require it, direct a special assessment and collection for the school tax in any county or school district, according to the provisions of this act. School taxes; how assessed and collected Special assessment

59. All school moneys to be disbursed in any county shall be received, kept, and disbursed by the county treasurer thereof, subject to similar responsibility as in case of other funds by law committed to him. He shall keep separate accounts of the state funds, the county funds, and the district funds, as described in section fifty-seven of this act, showing School money in any county; how received, &c.

whence and on what account the moneys were severally derived, and by what order, on what account, and to whom the disbursements were made. The disbursements shall be made only in pursuance of an order or warrant, in writing, from the proper authority, in manner and form as in this act prescribed.

County treasurer, how notified; his requisition, &c.

60. At the proper time each county superintendent of schools shall notify the county treasurer, in writing, that the state money apportioned to the county is ready for distribution, whereupon the county treasurer shall forthwith make requisition in due form upon the second auditor of the state for the amount specified; and as soon as the money has been received into the county treasury, it shall be the duty of the treasurer to inform the county superintendent, in writing, of the fact.

School money; how drawn from county treasurer
For pay of county superintendent

61. The methods of drawing school moneys from county treasurers shall be as follows:

For the pay and allowances of the county superintendent of schools, so far as the same is to come out of the county funds, a warrant therefor, in writing, shall be drawn, signed by the county superintendent himself, stating on its face the ground on which such pay or allowance is claimed, and verified by his own affidavit; but if the county treasurer has reason to doubt the validity of the claim, or any part of it, it shall be his duty to withhold payment, and to state the ground of his doubts on the back of the warrant, and transmit the same to the superintendent of public instruction, and finally to be governed by his instructions. But if the warrant be manifestly in accordance with the provisions of law, the treasurer shall pay it.

For pay of teachers, clerks of boards, &c.

For the pay of public free school teachers, of the clerks of boards of district school trustees, the cost of providing school houses and the appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text-books for children attending the public free schools in cases where the parent or guardian is unable, by reason of poverty, to furnish them, and any other expense attending the public free school system, so far as the same is under the control or at the charge of the school district or its officers, it shall be necessary first to obtain from the board of school trustees of the district concerned, an order approving the claim, and directing it to be paid, which shall be duly recorded in the proceedings of the said board; whereupon, a warrant, in writing, shall be drawn, signed by the chairman of the said board and countersigned by the clerk thereof, payable to the order of the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order of the board.

Treasurer's account to county superintendent

62. The treasurer of each county shall once a year, or oftener if required, render to the county superintendent an account of all receipts and disbursements of school moneys which have passed through his hands during the year, and exhibit his vouchers for disbursements; and the county superintendent, having examined the said accounts and vouchers, shall trans-

County superintendents' duty

mit the account to the superintendent of public instruction, and report whether the vouchers are satisfactory.

63. The salaries of county superintendents of schools, so far as payable by the state, shall be paid out of the bulk of the state school funds, as distinguished from the appropriations from the same to the several counties. County superintendents; how paid

64. The sense of the voters of any county, in regard to the raising of additional sums by taxation for the support of public free schools in the county for the next scholastic year, shall be taken every year in connection with the township elections in May: provided, that in special cases the board of education may order a similar vote to be taken at other times. The vote in the school districts, touching a similar tax for the support of public free schools therein, shall be conducted according to regulations to be prescribed by the board of education. Additional sums; how raised
Vote; how taken

65. All sums of money derived from state funds, which are unexpended in any year in any public free school district, shall go into the general school fund of the state for re-division the next year; and all sums derived from county or district funds, unexpended in any year, shall remain a part of the county or district funds, respectively, for use the next year. But no sums derived from county or district funds shall be subject to re-division outside of the county or district, respectively. School funds unexpended in any year

66. Public free schools shall, in like manner, be established in all the cities and towns of this state which are provided with a municipal government, excluding the jurisdiction and cognizance of the authorities of the counties within which such cities and towns are respectively situated. And the provisions of this act shall be applicable to such cities and towns in like manner as to the counties, in respect to the officers and authorities to be charged with the execution of the law, their mode of apportionment, their functions and responsibilities, the raising, distribution, and collection, custody, application, and disbursement of funds, and in all particulars, except only in so far as the charters and ordinances of such cities and towns severally (being not contrary to this constitution) shall otherwise provide. Free schools in cities and towns

67. Chapters seventy-eight, seventy-nine, eighty-one, and eighty-two of the Code of Virginia of eighteen hundred and sixty, and all other acts and parts of acts in conflict with the provisions of this act, shall be and are hereby repealed. Code of Va., chaps. 78, 79, 81 and 82, and other inconsistent acts, repealed

68. This act shall be in force from and after its passage. Commencement

CHAP. 260.—An ACT Prescribing what Counties and Corporations shall Compose the First Judicial Circuit.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, and Surry, and the cities of Norfolk and Portsmouth, shall constitute the first judicial circuit. First judicial circuit

2. This act shall be in force from its passage. Commencement

CHAP. 261.—An ACT to Authorize the Governor to Exchange the Arms of the State for Roberts' Breech-Loading Guns.

Approved July 11, 1870.

Governor
authorized to
exchange cer-
tain arms for
state of Vir-
ginia

1. Be it enacted by the general assembly, That the governor of this commonwealth be and he is hereby authorized, when he draws the quota of arms for the state of Virginia from the general government, whenever he may deem it proper and necessary, to contract for their alteration to breech-loaders, on the Roberts system, on the following basis:

The manufacturers of the gun shall receive from the state a certain number of guns, and return to the state one-third of such number, altered to breech-loaders on the Roberts system, retaining the other two-thirds as their compensation for the work done and materials furnished on the one-third; or upon such other better terms of exchange as the governor may be able to effect.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 262.—An ACT Authorizing the Superintendent of Public Buildings to have the Hall of the House of Delegates and Executive Chamber Repaired and Refitted.

Approved July 11, 1870.

Authorizing re-
pair of hall of
house of dele-
gates, &c.

1. Be it enacted by the general assembly, That the superintendent of public buildings is hereby instructed and empowered to contract for the immediate repairing and refitting the hall of the house of delegates and the executive chamber, and the conversion of the room formerly used by the court of appeals into committee rooms, according to the plans and specifications drawn by the superintendent of public buildings: provided, the cost does not exceed in amount the sum of thirty-eight hundred dollars; and the auditor of public accounts is required to issue his warrant or warrants on the treasury, on the certificate of the superintendent of public buildings, for such sum or sums as may be necessary for said repairs, not exceeding the amount hereby appropriated.

Proviso

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 263.—An ACT to provide for the Publication of the Unpublished Decisions of the Supreme Court of Appeals, prepared by Peachy R. Grattan, Esq., late Reporter of said Court.

Approved July 11, 1870.

Providing for
publication of
certain decisions
of court of ap-
peals

1. Be it enacted by the general assembly of Virginia, That one thousand copies of the decisions made by the supreme court of appeals at the October term, eighteen hundred and sixty-eight, and the January term, eighteen hundred and sixty-

nine, of that court, and which were directed to be reported by the judges; such of the decisions made by the military court of appeals, and such of the decisions made at the spring term of the supreme court of appeals of the present year, which the judges of the supreme court of appeals may direct to be reported, which have been or are being prepared by Peachy R. Grattan, the late reporter of the supreme court of appeals, shall be published, in the same mode and in the same style as is provided by law for the publication of the reports of the said court; and the said Peachy R. Grattan shall prepare the same for publication, and shall examine and correct the proof-sheets, in the manner prescribed in chapter one hundred and sixty-six of the Code, edition of 1860.

2. For preparing the said reports for publication, and performing the service prescribed in the preceding section, there shall be paid out of the treasury to the said Peachy R. Grattan the sum of one thousand dollars; one-half thereof upon the passage of this act, and the other half thereof when the work is completed.

Appropriation
for same

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 264.—An ACT to Amend and Re-enact Section Two of an act approved April 2, 1870, in Relation to the Terms of County Courts.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That section two of an act approved April second, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

Act relating to
terms of county
courts amended

" Terms of county courts.

" § 2. There shall be held in each county of the common-wealth, monthly, a term of the county court, to be held at the times prescribed by law, and with the jurisdiction hereinafter provided. The court may, from time to time, change the day for the commencement of the terms thereof; and may designate four or more terms of such court for the trial of civil cases in which juries are required, and the same terms may be designated for the trial of both civil and criminal cases; and thereafter, until otherwise ordered, all cases cognizable in such court in which juries are required, except criminal cases and cases of forcible entry and unlawful detainer, shall be tried only at such terms as are so designated, the clerk of such court within thirty days after any change has been made in the day for the commencement of the terms thereof, shall send a copy of the order making it to the clerk of the house of delegates."

Court may
designate its
criminal terms,
and terms for
trial of civil
cases by juries
Forcible entry
and unlawful
detainer

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 265.—An ACT to Amend and Re-enact Section Two of Chapter One Hundred and Sixty-Three of the Code of Virginia (1860), with regard to Clerks of the Court of Appeals.

Approved July 11, 1870.

Code of Va.,
chap. 163, § 2,
amended

1. Be it enacted by the general assembly, That the second section of chapter one hundred and sixty-three of the Code of Virginia (eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 2
Three clerks for
court of appeals;
their term of
office

“§ 2. There shall be three clerks of the court of appeals; one for the said court at Richmond, one for the said court at Staunton, and one for the said court at Wytheville. The term of office of each of these clerks shall be six years.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 266.—An ACT to Amend an Act entitled an Act to Prescribe and Define the Jurisdiction of the County and Corporation Courts of the Commonwealth, and the Times and Places of Holding the Same.

Approved July 11, 1870.

Act defining
jurisdiction, &c.,
of county and
corporation
courts, amended

1. Be it enacted by the general assembly, That the act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the commonwealth, and the times and places of holding the same, approved April second, eighteen hundred and seventy, be amended by adding thereto the following section, viz:

Where judge of
corporation
court is unable
or fails to hold
his term, who
may sit

“§ —. If any judge of a corporation court be unable or fail to attend a regular term of his court, or be prevented from sitting during the whole term, or be so situated in respect to any cause pending in said court, as in his opinion to make it improper for him to try it, any other judge of a corporation court may hold said court, either for the whole term or any part thereof.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 267.—An ACT to Amend and Re-enact Section Fifty-Eight of the Act entitled an Act to Provide for a General Election, approved May 11, 1870.

Approved July 11, 1870.

Act to provide
for general elec-
tion amended

1. Be it enacted by the general assembly, That section fifty-eight of the act entitled an act to provide for a general election, approved May eleventh, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 58
Vacancy in
county, corpora-
tion, or town-
ship officers, to
be filled by
judge till next
election

“§ 58. Whenever a vacancy shall occur in any county, corporation or township office, the same shall be filled by the judge of the county or corporation court of the county or corporation in which such vacancy shall occur: provided, however, that when a vacancy shall occur in the office of circuit

court clerk, when the clerk of the county court is not clerk of the circuit court, such vacancy shall be filled by the judge of the court in which the vacancy occurs; and provided further, that when a vacancy occurs in the office of hustings court clerk, attorney for the commonwealth of a city or town, such vacancy shall be filled by the judge of the hustings court of the city or town in which such vacancy occurs: and provided further, that when a vacancy occurs in the office of clerk of the chancery court of the city of Richmond, such vacancy shall be filled by the judge thereof. And all officers, so appointed to fill vacancies, shall continue to discharge the duties of their respective offices until their successors shall be elected at the next election after their appointment, and shall have qualified. Writs of election to fill such vacancies shall be issued by the judges of the county or corporation courts of the counties or corporations in which such vacancies occur; so that the same may be filled at the next election after any such vacancy may occur."

2. This act shall be in force from its passage.

Commencement

CHAP. 268.—An ACT Conferring Judicial Powers on Mayors of Towns having less than Five Thousand Inhabitants, and investing the Sergeants of said Towns with the Powers and Duties of Constables.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That in all towns of less than five thousand inhabitants, and having a mayor and council or board of trustees, that the said mayor and the members of the council or board of trustees, shall be clothed with all the powers and authority of a justice of the peace, in civil as well as criminal matters arising within the corporate limits, and said criminal jurisdiction shall extend only to the distance of one mile beyond the corporate limits of said town, except where it is otherwise specially provided by law.

Powers of mayor and council, or trustees of towns of less than 5,000 inhabitants

2. The sergeant of such towns shall have the same powers and discharge the same duties as constables, within the jurisdiction conferred by this act.

Powers of sergeant

3. This act shall be in force on and after the first July, eighteen hundred and seventy.

Commencement

CHAP. 269.—An ACT to Amend and Re-enact the Tenth and Eleventh Sections of Chapter Forty-two of the Code of Virginia, with regard to Levy of Executions for Recovery of Debts due the State.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the tenth and eleventh sections of chapter forty-two of the Code of Virginia, eighteen hundred and sixty, be amended and re-enacted as follows:

Code of Va., chap. 42, § 10 and 11, amended

§ 10
Upon what
estate officer to
levy writ

"§ 10. Every writ of fieri facias issued according to the eighth section, shall be levied first on the goods and chattels. If, in the county or corporation of the person against whose estate such writ issued, there shall be no goods and chattels liable thereto, or not a sufficiency thereof, then the officer having such writ shall levy it on the real estate.

§ 11
Sale of real es-
tate; how made

"§ 11. When a levy is so made upon real estate, the officer making it shall post notice thereof, and of the time and place of sale, at such public places as may seem to him expedient, and at the door of the court-house of the county or corporation in which the real estate is, on a court day. The time of selling the real estate shall be not less than sixty nor more than ninety days from the time of posting the notice at the court-house door. And the sale shall take place at the premises or at the door of the court-house, as the officer may deem most advisable."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 270.—An ACT to Amend and Re-enact Section One of Chapter Fifty-Six, Code of 1860.

Approved July 11, 1870.

Code of Va.,
chap. 56, § 1,
amended

1. Be it enacted by the general assembly, That section one of chapter fifty-six of Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

§ 1

"§ 1. Every corporation, in respect to which it is not otherwise provided, shall have perpetual succession and a common seal, which it may alter or renew at its pleasure, and may sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, and make ordinances, by-laws, and regulations consistent with the laws of this state or of the United States, for the government of all under its authority, for the management of its estates, and the due and orderly conducting of its affairs. But every such act of incorporation passed by the general assembly of Virginia, unless it be an act incorporating an internal improvement company, or if it be for the incorporation of any other company, unless it be otherwise expressly provided in the act of incorporation, shall, at any time after fifteen years from its passage, be liable to be amended, altered, or repealed by the legislature, as if express provision therefor were made in such act of incorporation; and every act incorporating an internal improvement company, unless otherwise provided, shall be subject to the general laws now in force, so far as applicable thereto, or otherwise be liable to be amended, altered, or repealed at the pleasure of the general assembly."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 271.—An ACT to Amend and Re-enact Section 38 of Chapter 171 of Code of 1860.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That section thirty-eight of chapter one hundred and seventy-one, of the Code of Virginia (1860) be amended and re-enacted so as to read as follows:

Code of Va., chap. 171, § 38, amended, as to proof of handwriting

“§ 38. Where a bill, declaration, or other pleading alleges that any person made, endorsed, assigned, or accepted any writing, no proof of the handwriting of such person shall be required, unless the fact be denied by an affidavit, with the answer, plea, or other pleading, which puts it in issue.”

2. This act shall be in force from its passage.

Commencement

CHAP. 272.—An ACT to Amend and Re-enact an Act to Encourage Immigration and Protect Immigrants, passed March 2, 1866.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That an act entitled an act to encourage immigration and protect immigrant labor, passed March second, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows:

Act to encourage immigration, &c., amended

“Whereas, it is essential to the material prosperity of this commonwealth, that labor be protected by law, and proper inducements held out for the immigration of industrious foreigners; therefore, to encourage and protect the immigration of such persons:

Preamble

“§ 1. Be it enacted, That contracts for labor for a term of service, not exceeding two years, made in a foreign country, and duly attested by the United States consul or commercial agent at the port where such immigrant shall embark, shall be respected and enforced by the authorities of this state, to the same extent and in the same manner as if made within the state.

Labor contracts

“§ 2. Be it further enacted, That all contracts made as aforesaid, shall be in duplicate, the original in the vernacular language of the immigrant, and which shall be retained by the immigrant bound thereby; the duplicate in the English language, and which shall be recorded in the office of the county court within ten days after the arrival of the said immigrant at the residence of his or her employer; and if not so recorded, the employer shall not be entitled to the benefit of the provisions of this act until the contract shall be recorded.

How made and recorded

“§ 3. Be it further enacted, That immigrants under contracts as aforesaid, shall have the right to apply to any justice of the peace, who shall, on application, require personal security for the payment of wages at the times specified in said contract; or if not so specified, then month by month; and any

How enforced

immigrant who, without good and sufficient cause, being discharged from the service of an employer, may recover from his or her employer, in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his or her contract.

Liability of im-
migrant for
abandoning
employer

"§ 4. Be it further enacted, That any immigrant bound by contract as aforesaid, who shall, without good and sufficient cause, abandon or leave the service of his or her employer, shall be liable to said employer for an amount not exceeding the sum which may or would be due for a term not exceeding three months of the term of his or her contract; which amount shall be recoverable from such immigrant in the manner prescribed by the common law of the state.

Duration of con-
tracts

"§ 5. Be it further enacted, That all the provisions of this act shall apply to all contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, for two years after their arrival in the United States; except that such contracts made within the United States may be attested by a justice of the peace or other officer authorized by law to attest and affix his official seal to such contract.

Commence-
ment

"§ 6. This act shall be in force from its passage."

CHAP. 273.—An ACT Providing for the Payment of the Printing of Records in the District Courts of Appeals.

Approved July 11, 1870.

Payment of re-
cords of cases in
district courts
provided for

1. Be it enacted by the general assembly, That whenever the cost of the printing of records of cases heretofore docketed in any district court of appeals remains unpaid, the same shall, after being allowed by the supreme court of appeals, be paid out of the treasury: provided, that the cost of such printing shall, in no case, exceed one dollar and fifteen cents per page of fifteen hundred ems.

Proviso

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 274.—An ACT Fixing the Fees of the Clerks of County Courts and of the Corporation Courts in Chancery Cases.

Approved July 11, 1870.

Fees of clerks of
county and cor-
poration courts
in chancery
cases

1. Be it enacted by the general assembly, That clerks of the county courts and of the corporation courts be allowed the same fees in chancery cases which are now allowed by law to the clerks of circuit courts in like cases.

Commence-
ment

2. This act shall be in force from and after its passage.

CHAP. 275.—An ACT to Provide for Dividing the Townships of the State in Voting Districts.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That in each township of the state in which more than one voting place shall have been established by law, it shall be the duty of the township board to designate, by proper and well-defined boundaries, the election district of each voting place within their township; and they shall, at the earliest practicable day thereafter, make a written report describing, as accurately as they can, the boundaries of every such voting district, and make return thereof to the clerk's office of their county court.

Voting districts in townships; how ascertained, &c.

2. When the boundaries of any voting district, designated in pursuance of this act, shall include the residence of any voter who has already registered in another voting district of the same township, it shall be lawful for said voter to change his place of registration to his own district in the manner provided for a registered voter, who changes his place of residence from one township to another, in section nine of the act approved April thirteenth, eighteen hundred and seventy.

Change of registration

3. This act shall be in force from its passage.

Commencement

CHAP. 276.—An ACT Supplementary to an act passed June 27, 1870, entitled an Act to Prescribe in what Manner and on what Conditions a Householder or Head of a Family shall Set Apart and Hold a Homestead and Personal Property for Benefit of himself and Family Exempt from Sale for Debt.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That in case the property or estate of a householder or head of a family desired to be set apart or protected under the provisions of an act approved June twenty-seventh, eighteen hundred and seventy, and known as the homestead act, shall be situate in a city or town having a corporation court, then the deed declaring the intention of the party to claim such exemption, or the writing designating the personal property to be selected, or designating the property in which the proceeds of the sale of such personalty is re-invested, shall be recorded in the deed book of the corporation court wherein other deeds are recorded.

Supplement to homestead act, as to recordation of homestead deed in cities, &c.

2. All the powers and duties by the said act conferred on the judges of the county courts as to property lying in the several counties of the commonwealth, shall, as to persons and property within the jurisdiction of corporation courts, be conferred on the said corporation courts, and in the city of Richmond on the circuit court thereof.

Powers of corporation courts thereto

3. This act shall be in force from its passage.

Commencement

CHAP. 277.—An ACT to Regulate Judicial Sales and Prevent the Sacrifice of Property.

Approved July 11, 1870.

Judicial sales of real estate; on what credit made

Defendant may waive benefit of this section, &c.

Not to be sold for less than three-fourths of assessed value

Commencement

1. Be it enacted by the general assembly, That all judicial sales of real estate, under decrees or orders hereafter rendered, for the payment of debts contracted, or liabilities incurred prior to the tenth day of April, eighteen hundred and sixty-five, shall be upon a credit of not less than three nor more than six equal instalments, payable annually from the day of sale, except for so much as may be necessary to pay the cost of suit and sale, which shall be required in cash. The defendant, at any time before the rendition of such decree, may, by writing filed among the papers of the cause, waive the benefits of this section; and the court is empowered to make such waiver for all persons under disabilities.

2. No commissioner of any such judicial sale of real estate as is mentioned in the preceding section, shall, either at the first or second exposure of such real estate to sale, sell the same for less than three-fourths of its assessed value, as ascertained by the last official assessment made for the purposes of taxation, with this restriction: the powers and duties of the commissioner and the court shall remain precisely the same as they now are. The said commissioner shall always return with his report of sale an official copy of the said assessed value of said real estate.

3. This act shall be in force from its passage.

CHAP. 278.—An ACT to Enlarge the Jurisdiction of the Hustings Court of the City of Richmond, and for Other Purposes.

Approved July 11, 1870.

Jurisdiction of hustings court of city of Richmond

Terms thereof

Absence or inability of judge of hustings or chancery court

1. Be it enacted by the general assembly, That the hustings court of the city of Richmond shall have jurisdiction of all such motions, actions, and other proceedings as were heretofore cognizable by the hustings court of the city of Richmond, held by the judge, and said court held by the aldermen, as have not been transferred to other tribunals by law; and shall have concurrent jurisdiction with the circuit court of said city of actions of unlawful entry and detainer.

2. There shall be a term of the hustings court of the city of Richmond for each month in the year, except the month of August, commencing on the first Monday in the month, and continuing so long as the business before the court may require.

3. During the absence of the judge of the said hustings court, or of the judge of the chancery court of the city of Richmond, or the inability of either of said judges from any cause to hold a term of his court, or to sit in any particular case, or to discharge any duty required by law, the said term may be held, or said cause may be tried, or the said duty may

be performed, by any circuit judge, or by either of the judges of said hustings, or of said chancery court: provided, however, that no extra compensation shall be allowed therefor.

4. The said hustings court of the city of Richmond, and the said chancery court of the city of Richmond, and the judges of said courts, respectively, shall have the same power as a circuit court or circuit judge, to admit to bail, award injunctions, writs of habeas corpus, quo warranto, mandamus, and prohibition.

Bail, injunctions, habeas corpus, quo warranto, mandamus, and prohibition

5. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

6. This act shall be in force from its passage.

Commencement

CHAP. 279.—An ACT to Amend and Re-enact Section 32 of Chapter 132 of the Code of 1860, in Relation to the Payment of Money and Delivery of Property in the Hands of Fiduciaries.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That section thirty-two, of chapter one hundred and thirty-two of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Code of Va., chap. 132, § 32, amended

"§ 32. When a report of the accounts of any personal representative, and of the debts and demands against his decedent's estate, shall have been filed in the office of a court, whether under this chapter or in a suit in chancery, the said court, after two years from the qualification of such personal representative, may, on the motion of a legatee or distributee of his decedent, make an order for the creditors of such decedent to show cause, on some day to be named in the order, against the payment and delivery of the estate of the decedent to his legatees or distributees; a copy of which order shall be published once a week for four weeks in one or more newspapers, as the court may direct, and posted at the door of the court-house of the county or corporation for or in which the court is held, on the first day of two successive terms of such county or corporation court, or in the city of Richmond, on the first Monday in two successive months. On or after the day named in the order, the court in term, or the judge in vacation, may order the payment and delivery to the legatees or distributees of the whole or a part of the money and other estate, not before distributed, with or without a refunding bond, as it may prescribe. But every legatee or distributee to whom any such payment or delivery is made, and his representative may, in a suit brought against him, within five years afterwards, be adjudged to refund a due proportion of any debts or demands appearing against the decedent, and of the costs attending their recovery."

2. This act shall be in force from its passage.

Commencement

CHAP. 280.—An ACT to Amend and Re-enact Section 25 of Chapter 180 of the Code of 1860, in Relation to the Order in which Debts against Decedents shall be Paid.

Approved July 11, 1870.

Code of Va.,
chap. 180, § 25,
amended

§ 25

1. Be it enacted by the general assembly, That section twenty-five of chapter one hundred and thirty of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

“ § 25. Where the assets of the decedent, in the hands of his personal representative, after the payment of funeral expenses and charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied—

“ First—To debts due to the United States.

“ Secondly—Taxes and levies assessed upon the decedent previous to his death.

“ Thirdly—Debts due as personal representative, trustee for persons under disabilities, guardian, or committee, where the qualification was in this state; in which debts shall be included a debt for money received by a husband, acting as such fiduciary in right of his wife.

“ Fourthly—All other demands ratably, except those in the next class; and,

“ Fifthly—Voluntary obligations.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 281.—An ACT to Establish a Court for the County of James City and the City of Williamsburg.

Approved July 11, 1870.

Court for county
of James City
and city of Will-
iamsburg

1. Be it enacted by the general assembly of Virginia, That the courts of the city of Williamsburg and county of James City shall together constitute one court, and be called the court of the county of James City and the city of Williamsburg, and such court and the judge elected for the counties of James City and York shall have and perform the same jurisdiction, powers, and duties which, under the general laws now in force, are vested in the county courts of the commonwealth, and said jurisdiction, powers, and duties shall be co-extensive with the limits of the county of James City and the city of Williamsburg. And the jurors necessary for the trial of criminal and civil causes in said court hereby established, shall be indiscriminately summoned from the said county and city in the mode provided by law. And there shall be elected by the qualified voters of said county and city, who shall act for both county and city, one sheriff, one attorney for the commonwealth, one clerk, one treasurer, and one superintendent of the poor.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 282.—An ACT to Authorize the Organization of Chain-Gangs in the Cities, Towns, and Counties of the State.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the common councils of all cities and towns in this state, containing a population of over five thousand inhabitants, and the trustees, or other proper authority of other incorporated towns of less than five thousand inhabitants, and the board of supervisors of each county, are hereby authorized and empowered to establish chain-gangs in their respective cities, towns, and counties, for the purpose and object of working on the streets, roads, and public property of such cities, towns, and counties. All persons who may be convicted in the hustings courts of such cities and towns, or in the county courts of such counties, of misdemeanor, and sentenced to confinement in jail as a punishment or part punishment for such misdemeanor, or who may be imprisoned for failure to pay any fine or penalty, which may have been assessed against such person, upon such conviction.

Chain-gangs in cities of over 5,000 inhabitants

2. Such common councils, trustees, or other proper authority, and board of supervisors, shall establish rules and regulations for the care, safe-keeping, and government of such persons while so employed; and shall provide for the payment of the expenses of said chain-gangs out of their city, town, and county treasuries.

Rules and regulations for same

3. This act shall be in force from its passage.

Commencement

CHAP. 283.—An ACT Repealing Certain Acts in Relation to the Virginia Canal Company, &c.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That an act passed third February, eighteen hundred and sixty-six, entitled an act to amend and re-enact the act entitled an act to incorporate the Virginia Canal Company, and to transfer the rights and franchises of the James River and Kanawha company thereto, passed twenty-ninth March, eighteen hundred and sixty-one; also, that an act entitled an act in relation to the Virginia Canal Company, passed February twenty-first, eighteen hundred and sixty-seven; also, that an act entitled an act relating to the improvement of the Great Kanawha river, passed the sixteenth February, eighteen hundred and sixty-seven, be and the same are hereby repealed.

Charter of Virginia Canal Company repealed

2. This act shall be in force from its passage.

Commencement

CHAP. 284.—An ACT to Amend and Re-enact Section 8, Chapter 19 of the Code of 1860.

Approved July 11, 1870.

Code of Va.,
chap. 19, § 8,
amended

1. Be it enacted by the general assembly, That the eighth section of chapter nineteen of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 8

“§ 8. Of such of the said books and maps as may be hereafter published, the general librarian shall, as soon as convenient after the publication thereof, transmit a copy of the Journal of the senate and house of delegates, of the Acts of Assembly, and eight copies of the Law Reports, to the University of Virginia, the college of William and Mary, Washington college, and Roanoke college, and any other incorporated college in the state in which a law school is established, and a copy of the maps to every incorporated college and academy in the state.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 285.—JOINT RESOLUTION Requiring the Superintendent of Public Printing to have Certain Acts of Assembly Bound in Paper Covers.

Approved July 11, 1870.

A certain number of acts of assembly, passed up to time of adjournment, authorized to be bound in paper covers
How distributed

Resolved (the senate concurring), That the superintendent of public printing be and he is hereby directed to have bound in paper covers, five hundred and fifty copies of the acts of the general assembly passed up to date of adjournment, to be by him delivered to the secretary of the commonwealth, who shall distribute them as follows: One copy to each of the judges, clerks of courts, and commonwealth's attorneys in the state, and one to each member of the general assembly. The remaining copies to be distributed amongst the heads of departments. The said copies so delivered are to be considered as a part of the number of the copies required by law to be bound and delivered by the superintendent of public printing to the secretary of the commonwealth.

CHAP. 286.—JOINT RESOLUTION for a Recess of the General Assembly.

Approved July 11, 1870.

Recess of general assembly from July 11 to October 1, 1870

1. Resolved (the house of delegates concurring), That the general assembly shall adjourn on the second Monday in July, eighteen hundred and seventy, to meet on the first day of October, eighteen hundred and seventy.

No per diem nor mileage

2. That in the interim the members and officers shall not be entitled to per diem, nor shall they receive mileage for attendance to the adjourned session.

CHAP. 287.—An ACT to Regulate Proceedings Against a Turnpike Road out of Repair.

Approved July 11, 1870.

1. Be it enacted, That section nine of chapter sixty-one of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows: Code of Va., chap. 61, § 9, amended as to turnpikes out of repair

"§ 9. Any person or persons alleging that a turnpike road, or any section thereof, is out of repair, may apply by petition, in writing, to the court of any county in which said road may lie, for a summons to three disinterested freeholders, not living on said road, to meet on said section, at a day specified, and examine the same, ten days' notice of such application to be given to the president or one of the directors of said road; and the said court shall appoint such viewers of said road, if upon hearing of said petition the same shall appear reasonable and proper; and proceedings under said order of the court shall be in all respects as now provided for by sections ten, eleven, twelve, and thirteen of chapter sixty-one of the Code."

2. This act shall be in force from its passage.

Commencement

CHAP. 288.—JOINT RESOLUTION Allowing the Keeper of the Rolls to Alter the word "Held" in the Twelfth Line of the Act Amending the First Section of an Act passed February 23, 1867, entitled an Act Continuing the Payment of Interest and Dividends to the Incorporated Colleges and other Seminaries of Learning in this State, to the word "Hold."

Approved July 11, 1870.

Resolved by the senate and house of delegates, That the keeper of the rolls be and he is hereby authorized to alter the word "held" in the twelfth line of the act amending the act passed February twenty-third, eighteen hundred and sixty-seven, entitled an act continuing the payment of interest and dividends to the incorporated colleges and other seminaries of learning in this state, to the word "hold." Keeper of rolls authorized to alter a word in certain act

CHAP. 289.—An ACT to Prescribe the Times for the Holding of the Terms of the Circuit Courts of the State.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the circuit courts of the state shall hold their terms hereafter at the times hereinafter specified, to wit: Time for holding circuit courts

First circuit.

First circuit

Norfolk city—First of June and fifteenth of November.
Norfolk—First of March and first of September.
Nansemond—Sixteenth of April and twelfth of October.

Ile of Wight—Sixteenth of May and eighteenth of October.
 Southampton—Second of May and seventh of November.
 Surry—Tenth of May and twenty-fifth of October.
 Princess Anne—Twenty-fifth of May and twenty-fifth of September.

Second circuit*Second circuit.*

Sussex—Twentieth of April and twentieth of October.
 Greenville—Twenty-eighth of April and second of November.
 Brunswick—Twenty-fifth of March and tenth of October.
 Prince George—Seventeenth of May and fifteenth of November.
 Dinwiddie—Eighteenth of March and third of October.
 Nottoway—First of March and first of September.
 Chesterfield—Seventh of May and fifteenth of September.
 Petersburg city—Fifth of April and twenty-fifth of November.

Third circuit*Third circuit.*

Mecklenburg—Twentieth of May and October.
 Lunenburg—Fifth of May and October.
 Charlotte—Twenty-fifth of March and September.
 Amelia—Twenty-fifth of April and fifth of November.
 Powhatan—Fifteenth of April and October.
 Prince Edward—Fifteenth of March and twenty-second of August.
 Buckingham—First of March and tenth of August.
 Cumberland—Fifth of April and tenth of September.

Fourth circuit*Fourth circuit.*

Halifax—First of April and September.
 Henry—Twenty-first of April and September.
 Patrick—Third of May and October.
 Pittsylvania—Twenty-eighth of May and October.
 Franklin—Fifteenth of May and October.
 Danville—Twenty-second of March and August.

Fifth circuit*Fifth circuit.*

Bedford—First of May and October.
 Campbell—Third Monday of May and October.
 Appomattox—Tenth of March and first of September.
 Nelson—Twenty-second of March and tenth of September.
 Amherst—Fifth of April and twenty-second of September.
 City of Lynchburg—Second Monday of June and November.

Sixth circuit.

Sixth circuit

Albemarle—Tenth of May and October.
 Fluvanna—Tenth of April and September.
 Culpeper—First of June and November.
 Goochland—First of April and September.
 Madison—Twentieth of April and September.
 Greene—Third Monday of June and November.
 Orange—First of May and October.

Seventh circuit.

Seventh circuit

City of Richmond—First Monday of February, May, July,
 and November.
 Henrico—Twenty-third of April and October.

Eighth circuit.

Eighth circuit

Elizabeth City—First of March and September.
 Warwick—Seventh of March and September.
 York—Twelfth of March and September.
 James City—Seventeenth of March and September.
 City of Williamsburg—Twenty-third of March and September.
 New Kent—Twenty-eighth of March and September.
 Charles City—Third of April and October.
 Northampton—Fifteenth of April and October.
 Accomack—First of May and November.

Ninth circuit.

Ninth circuit

Middlesex—First of April and October.
 Mathews—Sixth of April and October.
 Gloucester—Thirteenth of April and October.
 King and Queen—Twenty-sixth of April and October.
 King William—Third of May and November.
 Essex—Fourteenth of May and November.
 Northumberland—Twentieth of May and November.
 Lancaster—Twenty-sixth of May and November.

Tenth circuit.

Tenth circuit

Caroline—Twentieth of March and September.
 Hanover—Thirtieth of March and Twenty-eighth of September.
 King George—Ninth of April and Eighth of October.
 Stafford—Fifteenth of April and thirteenth of October.
 Westmoreland—Twenty-second of April and twentieth of October.
 Richmond—Twenty-eighth of April and twenty-sixth of October.

Louisa—Eighth of May and fourth of November.
 Spotsylvania—Seventeenth of May and thirteenth of November.

Eleventh circuit

Eleventh circuit.

Prince William—Second Monday in May and October.
 Fairfax—First Monday in June and November.
 Loudoun—Fourth Monday in April and third Monday in October.
 Fauquier—Tuesday after first Monday in April and the Tuesday after first Monday in September.
 Rappahannock—Third Monday in March and first Monday in October.
 Alexandria—Third Monday in August and second Monday in November.
 City of Alexandria—First Monday in February and third Monday in May.

Twelfth circuit

Twelfth circuit.

Shenandoah—Twenty-fifth of March and August.
 Page—Fifth of April and September.
 Rockingham—Fifteenth of April and September.
 Warren—Twentieth of May and October.
 Clarke—Thirtieth of May and October.
 Frederick—Fifteenth of June and November.

Thirteenth circuit

Thirteenth circuit.

Alleghany—Twenty-fifth of March and August.
 Rockbridge—Tenth of April and September.
 Highland—Third of May and October.
 Bath—Twelfth of May and October.
 Augusta—First of June and November.

Fourteenth circuit

Fourteenth circuit.

Botetourt—Wednesday after second Monday in April and September.
 Roanoke—Thursday after third Monday in April and September.
 Montgomery—Second Monday after fourth Monday in April and September.
 Floyd—First Monday after fourth Monday in April and September.
 Giles—Fourth Monday after fourth Monday in April and September.
 Craig—Tuesday after first Monday in April and September.

Fifteenth circuit.

Fifteenth circuit

Carroll—First Monday in April and September.
 Grayson—Monday before last Monday in March and August.
 Wythe—Second Monday in May and October.
 Pulaski—Third Monday in April and September.
 Bland—Fourth Monday in April and September.
 Tazewell—First Monday after fourth Monday in May and September.

Sixteenth circuit.

Sixteenth circuit

Smyth—Last Monday in March and August.
 Washington—Second Monday in April and September.
 Lee—Tuesday after first Monday after fourth Monday in April and September.
 Scott—Fourth Monday in April and September.
 Wise—Tuesday after fourth Monday in May and October.
 Russell—Third Monday in May and October.
 Buchanan—First Monday after fourth Monday in May and October.

2. This act shall be in force on and after the first day of August, eighteen hundred and seventy, and all acts inconsistent with this act, shall, on and after the first day of August, eighteen hundred and seventy, be and they are hereby repealed.

CHAP. 290.—An ACT Appropriating the Public Revenue for the Fiscal Year 1869-'70.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the public taxes and arrears of taxes due prior to the first day of October, eighteen hundred and seventy, and not otherwise appropriated, and of all other branches of revenue, and all public moneys not otherwise appropriated by law, which shall come into the treasury prior to the said first day of October, eighteen hundred and seventy, shall constitute a general fund, and be appropriated for the fiscal year to close on the thirtieth day of September, eighteen hundred and seventy, as follows, to wit:

To expenses of the general assembly for the session commencing on the sixth day of October, eighteen hundred and sixty-nine, two hundred and fifty thousand dollars.

To salaries and allowances of the officers of civil government, one hundred thousand dollars.

To defray criminal charges, including expenses of jurors, witnesses, and guarding jails, one hundred and eighty-five thousand dollars.

For support of convicts, thirty-four thousand dollars.

For transporting convicts to the penitentiary, twelve thousand dollars.

General fund

General assembly

Officers of civil government

Criminal charges

Support of convicts
 Transportation of convicts

Officers of penitentiary	For salaries to superintendent, assistant keepers, and so forth, of the penitentiary, nine thousand dollars.
Interior guard	For pay of interior guard of the penitentiary, three thousand five hundred dollars.
Exterior guard	For pay of exterior guard of penitentiary, three thousand seven hundred dollars.
Contingent expenses of courts	To contingent expenses of courts, forty-six thousand dollars.
Printing records of court of appeals	To pay for printing records of the court of appeals, nine thousand dollars.
Military contingent fund	To the military contingent fund, four hundred dollars.
Virginia Military Institute	To the Virginia Military Institute, at Lexington, twenty-two thousand five hundred and forty dollars; which shall be in full of all appropriations made by law for that institution.
Western Lunatic Asylum	To the Western lunatic asylum, sixty thousand dollars, and the amount received on account of the pay patient fund.
Eastern Lunatic Asylum	To the Eastern lunatic asylum, sixty thousand dollars, and the amount of the pay patient fund.
Lunatics in jail	For maintenance of lunatics in jail, eight thousand dollars.
Institute for deaf, dumb, and blind	For the institution of the deaf, dumb, and blind, at Staunton, for annuity, thirty-five thousand dollars.
Civil prosecutions	To civil prosecution, three thousand dollars.
Vaccine agent	To vaccine agent, five hundred dollars.
Civil contingent fund	To the civil contingent fund, thirty thousand dollars.
Temporary clerks in auditor's office, &c.	To pay for services of temporary clerks in the office of the auditor of public accounts, of the second auditor, secretary of the commonwealth, of the treasurer, and of the register of the land office, fifteen thousand nine hundred and eighty dollars.
Commissioners of revenue	To commissioners of the revenue, forty-one thousand dollars.
Board of public works	To contingent expenses of the board of public works, one hundred and fifty dollars.
University of Virginia	To the University of Virginia, fifteen thousand dollars.
Registration of births, &c.	For registration of births, marriages, and deaths, two thousand five hundred dollars.
Public printing	For public printing, thirty thousand dollars.
Interest on state and guaranteed bonds to colleges, &c.	For payment of interest due upon state and guaranteed bonds, due to colleges, seminaries, and academies, twelve thousand eight hundred and nine dollars and fifty-five cents.
Messenger of auditor's office	For salary of messenger in the office of the auditor of public accounts, eight hundred dollars.
Funding public debt	For expenses of funding interest on the public debt, two thousand dollars.
Agents' commissions	For agent's commissions (under contract paid Joseph Segar on sixteen thousand and twenty-two dollars paid into the treasury by the United States), two hundred and one dollars and sixty-six cents.
Penitentiary	For penitentiary expenses, twenty-five thousand dollars.
Governor's house	For repairs to governor's house, seven thousand dollars.
Attorney in Virginia vs. West Virginia	For pay of attorneys in prosecuting the suit of Virginia versus West Virginia for the possession of the counties of Jefferson and Berkeley, two thousand dollars.
Oyster fund	For oyster fund, thirty thousand dollars.
Penitentiary expenses under special orders	For penitentiary expenses, under special orders number two hundred and thirty-seven of commander of the military dis-

trict of Virginia, two thousand three hundred and thirty-two dollars and fifty-five cents.

For pensioners, two hundred and eighty dollars.

For Central lunatic asylum, forty-five thousand dollars.

For sanitary inspector, one thousand three hundred dollars.

For slaves condemned prior to the war, two thousand three hundred and twenty-five dollars.

For transportation of colored paupers, two hundred dollars.

For pay of commissioners to adjust the debt between the states of Virginia and West Virginia, nine hundred and thirty-three dollars and sixty cents.

To the Richmond Medical College, one thousand five hundred dollars.

For the purchase of Sycamore church, fifteen thousand dollars.

2. So much of the public renenue as may be received into the public treasury after the thirtieth day of September, eighteen hundred and seventy, and the surplus of all other appropriations made prior to that date, unexpended within the fiscal year hereinbefore provided for, and all other moneys not otherwise appropriated by law, shall constitute a general fund to defray such expenses authorized by law as are not herein particularly provided for; and to defray the usual allowances to lunatic asylums, and other current expenses of the commonwealth in the fiscal year which will commence on the first day of October, eighteen hundred and seventy, and terminate on the thirtieth day of September, eighteen hundred and seventy-one; and the auditor of public accounts is hereby authorized and required to issue his warrants in the same manner as if the same had been specially mentioned, subject to such exceptions, limitations, and conditions as the general assembly have prescribed, or may deem it proper to annex and prescribe by law: provided, that nothing in this act contained shall be so construed as to authorize the auditor of public accounts to issue his warrant or warrants in satisfaction of any judgment or decree of any court of law or equity, against the commonwealth for a sum exceeding three hundred dollars without a special appropriation by law.

3. The payments to the Military Institute, for support to the lunatic asylums, for support and transportation of patients, and to the institution for the education of the deaf and dumb and the blind, shall be made one-fourth in advance, on the first day of April; one-half on the first day of July (if the visitors or directors so require); and the remaining one-fourth on the first day of September: provided, that the auditor of public accounts will pay the aforesaid appropriation to the Central lunatic asylum in monthly instalments.

4. This act shall be in force from its passage.

Pensioners
Central Lunatic Asylum
Sanitary inspector
Slaves condemned prior to war
Transportation of colored paupers
Commissioners to West Virginia
Richmond Medical College
Sycamore Church

General fund for other expenses not herein provided for

Auditor to issue his warrant

Proviso

How appropriations to Military Institute, lunatic asylums, &c., to be paid

Commencement

CHAP. 291.—An ACT Directing the Board of Public Works to Sell to the Richmond and Danville Railroad Company the Stock of the State in said Company, and Authorizing said Company to Buy the same.

Approved July 11, 1870.

Stock of Virginia in Richmond and Danville railroad authorized to be sold

Terms

1. Be it enacted by the general assembly, That the Richmond and Danville railroad company be and it is hereby authorized to purchase, and the board of public works is directed to sell to the said company, all of the stock of the state of Virginia in the said company upon the following terms:

The said company is to pay and deliver to the said board of public works for the state, the sum of twelve hundred thousand dollars of the bonds or certificates of debt of the state, in twelve equal instalments of one hundred thousand dollars each, the first payable on or before the expiration of six months from the time of the acceptance of this act by the stockholders of said company in general meeting; and the other instalments successively, on or before a period of six months after each, until the whole have been paid; and said instalments may be anticipated by said company at its option. And whenever an instalment of one hundred thousand dollars in said bonds or certificates shall have been paid and delivered, the said board of public works shall transfer to said company, on its books, one-twelfth of the said stock of the state, so that when all the instalments shall have been paid, all the said stock shall have been transferred; and after one-twelfth of said stock shall have been transferred to said company, as aforesaid, each stockholder shall be entitled to cast, in person or by proxy, one vote for each share of stock held in the said company, at all meetings of the stockholders; and said railroad company is hereby authorized and empowered to purchase either bonds or certificates of debt of the state, or both, for the purpose aforesaid.

Removal of state directors; how

2. Upon the transfer of four-twelfths of said stock to the said company, the board of public works shall remove one of the state directors, and thereupon, the board of directors of the company, or the stockholders, if in session, may appoint a director to supply the vacancy thus created; and upon the transfer of four other twelfths of said stock, the board of public works shall remove another of the state directors, and the board of directors, or stockholders, if in session, shall supply the vacancy thus created; and upon the transfer of the remaining four-twelfths, the board of public works shall remove the other state director, and the board of directors, or stockholders, if in session, shall supply the vacancy thus created; and the interest of the state having been thus extinguished, the stockholders of said company shall elect the president and all of the directors.

How company may dispose of said stock

3. Upon the acquisition of any portion of said stock as aforesaid, the said company shall be authorized to issue, sell, hypothecate, or otherwise dispose of, for its own purposes, an equal number of shares of the par value of one hundred dollars; but so long as the said company shall hold the said stock, or any part thereof, the president and directors may appoint

proxies to represent the same in all meetings of stockholders of said company, unless otherwise provided by the stockholders in general meeting; and upon the transfer of each and every twelfth part of the stock of the state in said company as aforesaid, the vote of the state by its proxies, at every meeting of the stockholders, shall be reduced by one-twelfth of the vote to which the state is then entitled.

4. If, however, the Richmond and Danville railroad company make default in the payment of any one of said instalments, the board of public works, or the general assembly, if in session, may, after four months' notice, debar the said company from any further benefit of this act: provided, that the rights of the state and of the company then acquired by the receipt of bonds or certificates of debt on the one part and the transfer of stock on the other, shall remain unimpaired; and provided further, that if the board of public works or the general assembly shall not elect to debar the company from the benefit of this act as aforesaid, the proper legal proceedings may be instituted, in the name of the state of Virginia, against the said company for the enforcement of the payment of said instalment as provided by this act.

Default of company in payment of instalments

Proviso

Proviso

5. This act shall not be binding upon the Richmond and Danville railroad company until its acceptance by a majority of the private stockholders represented in a general or called meeting; but the said company shall accept or reject this act within six months after its passage.

When act binding on company

6. This act shall be in force from its passage.

Commencement

CHAP. 292.—AN ACT to Authorize Subscriptions to the Stock of Incorporated Companies by the Counties of Campbell and Pittsylvania, the City of Lynchburg, and the Town of Danville.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That it shall be lawful for the county court, or the council, or board of trustees of any of the following counties, city, and town, to wit: Pittsylvania, Campbell, Lynchburg, Danville, to make an order requiring the sheriff or sergeant and commissioners of election, at a time to be designated in such order, not less than one month from the date thereof, to open polls and take the sense of the legal voters of such county, city, or town, on the question whether such county, city or town shall subscribe to the stock of the Lynchburg and Danville railroad company, which has been chartered to construct a railroad through, by, or near such county, city, or town, and by the construction of which such county, city, or town is likely to be benefitted. The said order shall state the maximum amount proposed to be subscribed.

Certain counties and towns authorized to take sense of voters as to subscriptions to Lynchburg and Danville railroad company

2. The commissioners of election, who, if there be none otherwise legally appointed, may be designated by such court, council, or board of trustees, after taking an oath faithfully to

Commissioners of election; how designated, and their duties

discharge the duties of their offices, shall open polls at the various places of voting in such county, city, or town, and at the time designated in said order, and shall conduct such election, and close the polls, as is provided by law in respect to other elections; and at such election each of said voters, who shall approve such subscription, shall deposit a ticket or ballot on which shall be written or printed the words "for the subscription," and each of said voters, who shall be opposed to such subscription, shall deposit a ticket or ballot, on which shall be written or printed the words "against the subscription."

Ballots; counting and return of same, &c.

3. That immediately after the closing of the polls the commissioners of election, at the several places of voting in such county, city, or town, shall count the ballots deposited at such election, and shall make return, within two days after such election, to the judge of such county court, or to the council, or board of trustees of such city or town, of the number of votes cast for the subscription, and the number of votes cast against the subscription, and shall also return to and deposit, with the clerk of such court, council, or board of trustees, in separate packages, the ballots for and against such subscription; and it shall be the duty of such judge, council, or board of trustees to cause the ballots to be counted, to correct the polls, and to ascertain and certify the result of such election, and to cause the same to be entered in the proper record book of such court, council, or board of trustees. And if it shall appear that three-fifths of the votes cast at such election are in favor of the subscription, such judge, council, or board of trustees shall forthwith enter of record an order requiring the supervisors of the county, the members of the council, or the board of trustees, to meet, at a time and place to be named in the order, to carry out the wishes of said voters. The sheriff or sergeant shall promptly summon the supervisors, councilmen, or members of the board of trustees in pursuance of said order.

Supervisors, &c.; how summoned

Meeting and proceedings

4. If a majority of the whole number of supervisors, councilmen, or trustees, be present at the time and place so designated, they shall proceed to act; if not, they shall adjourn from time to time until a majority are present. The said supervisors, councilmen, or trustees, a majority of the whole number being present, shall have power to determine what amount of the capital stock, not exceeding the maximum aforesaid, shall be subscribed for on behalf of the county, city or town; and shall enter of record the amount so agreed to be subscribed, and thereupon shall appoint an agent, or agents, to make the subscription, which shall be paid in such instalments as may be agreed upon by such board of supervisors, council, or board of trustees, or as may be called for by the company.

Election already held, to be deemed valid

5. And if in either of said counties, city, or town, an election has already been held on the question of such subscription, in pursuance of the laws in force at the time such election was held, the same shall, in all respects, be deemed and held to be as valid as if the same had been held under the provisions of this act; and in such case it shall be the duty of the county judge of the county, or of the council, or board of trustees,

of the city or town, promptly to ascertain the result of such election and to certify and enter the same in the proper record book of the county court or council; and if it appear that the majority of the votes cast, at such election required by the laws in force at the time such election was held, were in favor of such subscription, the judge of the county court of such county, or the council, or board of trustees, of such city or town, and the supervisors of such county, when elected, and the councilmen, or trustees of such city or town, as the case may be, shall, in all respects, proceed to act as provided for in the next preceding section, and as if such election had been held under the provisions of this act.

6. For the purpose of paying the quotas on said stock as they may be called for, or the instalments of such subscription as they may fall due, the board of supervisors of the county, or the council or board of trustees of the city or town, shall have power to appoint an agent or agents to negotiate a loan or loans, and to issue bonds to secure the same, for and in the name of said county, city, or town. Said bonds may be either registered or with coupons attached, as said board of supervisors, council, or board of trustees may prescribe; and at the time at which the board of supervisors, council, or board of trustees makes its levy for such county, city, or town, it shall levy on all the lands and all other subjects liable to state tax and county or corporation levy in such county, city, or town, such tax to pay the amount of such subscription, or of such loan or loans as may be authorized, and the interest thereon, or to pay the interest on the bonds of the county, city, or town so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors, council, or board of trustees may deem necessary or proper; and from year to year it shall repeat such assessments until the debt and interest be fully paid. But such levy for a year shall not exceed one-twentieth of the whole amount of such subscription and the interest thereon; and such bonds shall be irredeemable for twenty years, and, at the pleasure of the board of supervisors, council, board of trustees, or proper authorities of the county, city, or town, for a period not exceeding thirty years from the date of the same.

Quotas on said stock; loans for payment of same, how negotiated

Levy for payment thereof

Sinking fund

Bonds; when redeemable

7. The right to stock in any such incorporated company, subscribed by either of said counties, city, or town, under the authority of this act, shall vest in such county, city, or town; and the board of supervisors of such county, or the council or other proper authorities of such city or town, shall have power, from time to time, to appoint proxies to represent the stock in the meetings of the stockholders of the company, and also an agent to collect the dividends on its stock; which dividends, when collected, shall be applied, annually, in diminution of the county, city, or town levy.

Right to such stock; how to vest

Proxies therefor

Dividends; how collected and applied

8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed

9. This act shall be in force from its passage.

Commencement

CHAP. 293.—An ACT to Amend the First, Third, Fourth, Fifth, and Seventh Sections of Chapter One Hundred and Thirty-Two of the Code of Eighteen Hundred and Sixty, Relating to Fiduciaries, and Making other Provisions Concerning the Same.

Approved July 11, 1870.

Code of Va.,
chap. 132, § 1, 3,
4, 5, and 7,
amended

1. Be it enacted by the general assembly, That the first, third, fourth, fifth, and seventh sections of chapter one hundred and thirty-two of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

§ 1
One of the com-
missioners in
chancery to be
designated as
commissioner of
accounts

“§ 1. The judge of each court having jurisdiction of the probate of wills and granting administration in the state, shall designate one of its commissioners in chancery, who shall be known as the commissioner of accounts, and who, in addition to his other duties, shall have a general supervision of all fiduciaries admitted to qualify in said court, and make all exparte settlements of the accounts of such fiduciaries.

His duties

“The said commissioner of accounts shall obtain from the clerk of his court, within twenty days after each term of the court, a list of the fiduciaries authorized to act as such under orders entered at the said term, and he shall keep a record showing, in separate columns, 1, the name of every such fiduciary; 2, the name of the decedent for whose estate he is representative; 3, the name of the living person for whom he is guardian, curator, or committee; 4, the penalty of his bond; 5, the name of his sureties; and 6, the date of the order conferring his authority. If afterwards such authority be revoked, the clerk of the court shall certify the fact to the said commissioner, who shall enter in another column of his record book the date of the order of revocation. Any clerk or commissioner failing to discharge such duty, or make such entry for ten days after the time herein prescribed, shall, for every such failure, forfeit twenty dollars.”

§ 3
Fiduciaries to
return to said
commissioner
an inventory

“§ 3. Every personal representative, guardian, curator, or committee, shall, within four months after the date of the order conferring his authority, or if his authority was derived before the commencement of this act, and he shall not before have made the return to the clerk required by the third section of chapter one hundred and thirty-two of the Code of eighteen hundred and sixty, shall, within four months after such commencement, return to the said commissioner, in proper form, an inventory of all the personal and real estate which has come to his possession or knowledge, or which is under his management or subject to his authority in his fiduciary character; and shall, within four months after any other such estate shall come to his possession or knowledge, return to the said commissioner a further inventory thereof. If he fail to make the return herein first mentioned, the commissioner shall issue, through the sheriff or other proper officer, a summons to such fiduciary, requiring him to make such return; and if said return be not made within thirty days after the date of service of the summons, the commissioner shall report the fact to his court at the next succeeding term thereof. The court shall

To be sum-
moned on
failure

immediately thereupon order a summons to the fiduciary, requiring him to appear at the following term; and upon his appearing, unless excused for sufficient reason, he shall be fined by the court in a sum not less than fifty nor more than five hundred dollars. And if the said fiduciary shall still fail to make such return within such time as the court may prescribe, he shall be deemed guilty of contempt of court, and be dealt with accordingly.

"The said commissioner shall inspect all inventories returned to him by fiduciaries, see that they are in proper form, and, within ten days after they are respectively received and approved by him, deliver them to the clerk of the court, to be recorded as required by law. The date of return of inventory shall be entered by the commissioner in another column of his record book. An appraisement made according to the one hundred and thirtieth chapter of the Code of eighteen hundred and sixty, shall be considered such an inventory as is required in this section, if it be signed by the personal representative.

Commissioner's
duty with regard
to inventory

"§ 4. Every such fiduciary shall, within four months after selling any property as such, return to the said commissioner an account of such sales; and when sale is made under any deed of trust, otherwise than under a decree, there shall, within four months after the sale, be returned by the trustee to the commissioner of accounts of the court wherein the said deed may have been first recorded, an inventory of the property sold and an account of sales. The commissioner shall inspect the same, see that it is made out in proper form, and deliver it to the clerk, to be recorded as herein directed in regard to inventories. Any trustee failing to comply with this section, shall forfeit his commissions on such sales.

§ 4
Account of sales
to be returned
to commissioner

"§ 5. Every inventory and account of sales returned under the two preceding sections, shall be recorded by the clerk."

§ 5
To be recorded
by clerk

"§ 7. A statement of all money which any personal representative, guardian, curator, or committee shall have received or become chargeable with or have disbursed, within one year from the date of the order conferring his authority, or within any succeeding year, together with the vouchers for such disbursements, shall, within six months after the end of every such year, be exhibited by him before the commissioner of accounts of the court wherein the order conferring his authority was made, and a statement of all the money which any trustee, acting under a trust created hereafter, shall have received or become chargeable with, or have disbursed within a year from the date of such trust, or within any succeeding year, together with the vouchers for such disbursements, shall be laid by him before the commissioner of accounts of the court wherein the investment creating the trust was first recorded; and the said commissioner shall state, settle, and report to the court an account of the transactions of any such fiduciary as now provided by law. If any such fiduciary fail to make such exhibit, as herein required, the commissioner and the court shall proceed against him in like manner, and the court shall impose the same penalty, unless such fiduciary is excused for sufficient

§ 7
Fiduciaries'
accounts exhib-
ited before
commissioner

Commissioner's
duty thereto

reason, as is herein provided in cases where fiduciaries fail to return inventories of their respective estates. The commissioner shall enter in his record book, in a separate column, the date of each settlement of fiduciary accounts made by him."

Record book to be furnished to commissioner

2. The clerk of each court shall furnish to the commissioner of accounts of said court, a suitable record book, and other such books as may from time to time be needed, which shall be paid for as other books used for public records; and whenever a commissioner shall cease to act as such, the said books shall be transmitted to his successor.

Costs against fiduciaries

3. The costs of all proceedings against fiduciaries, failing to make the returns and exhibits herein required, shall be paid by them personally, and they shall receive no allowance for the same in the settlement of their accounts.

Special fees of commissioner to be prescribed by court

4. The fees of commissioners of accounts, for the special duties hereinbefore imposed upon them, shall be such as the court, by which the said commissioners were appointed, may from time to time prescribe.

Other commissioners may be required to aid commissioner of accounts

5. If all the settlements of fiduciaries qualifying in any one court cannot be conveniently made by the commissioner of accounts, as required in the foregoing sections, the court may authorize and require one or more of its other commissioners in chancery to aid said commissioner in making such settlements.

Commencement

6. This act shall be in force from and after the first day of October, eighteen hundred and seventy.

CHAP. 294.—An ACT in Relation to Mechanics' Liens.

Approved July 11, 1870.

Mechanics' lien for work and materials

1. Be it enacted by the general assembly, That all artisans, builders, mechanics, lumber-dealers, and others performing labor or furnishing materials for the construction, repair, or improvement of any building or other property, shall have a lien, as hereinafter provided, upon such property and so much land therewith as shall be necessary for the convenient use and enjoyment of the premises, for the work done and materials furnished. But where the claim is for repairs only, no lien shall attach upon the property repaired, unless said repairs were ordered by the owner of the property or his agent.

Lien for repairs; how

How general contractor may avail himself of lien

2. A general contractor, wishing to avail himself of the lien given him by the preceding section, shall file within thirty days after the completion of the work, in the clerk's office of the county or corporation court of the county or corporation in which the property upon which a lien is sought to be secured is situated, and in the clerk's office of the chancery court of the city of Richmond, where the property is in said city, a true account of the work done or materials furnished, sworn to by said claimant or his agent, with a statement attached, signifying his intention to claim the benefit of said lien, and setting forth a brief description of the property upon

which he claims the lien. It shall be the duty of the clerk in whose office such account and statement shall be filed, as hereinbefore provided, to record the same in a book kept for that purpose, and from the time of such filing, all persons shall be deemed to have notice thereof.

Duty of clerk thereto

3. Any sub-contractor or workman, and any person contracting to furnish materials about a building or other improvement for a general contractor, or other person than the owner, may give notice in writing to the owner of such building or other improvement, stating the probable value of the labor to be performed or materials to be furnished, and if such sub-contractor, workman, or supplier of materials shall afterwards perform such labor or furnish such materials, and shall, within ten days after such building or other improvement is completed, furnish the owner thereof with a correct account of the amount due to said party by the contractor and remaining unpaid, the said owner shall be liable for the amount of such claim: provided, the same does not exceed the amount named by the said claimant in the notice hereinbefore required; and in that event, the owner of the building or other improvement shall be liable to the claimant for the amount named in the said notice, and no more.

Sub-contractor; his notice to owner of building

Proviso

4. If the account furnished to the owner of any building or other improvement as provided in the last section, by the sub-contractor, workman, or supplier of materials, is approved by the general contractor, or if, after ten days' notice to the general contractor of the filing of said account with the owner, he shall fail to file with the said owner any objection to said account, in either case the said owner may pay the amount of said account to the sub-contractor, workman, or supplier of materials, and shall then be entitled to a credit for the amount so paid upon whatever may be due by him to the general contractor. If the general contractor dispute or deny the correctness of the account presented to the owner by the sub-contractor, workman, or supplier of materials, at any time before the same is paid, the owner, or either of the other parties, may have the amount of such disputed account summarily adjudicated and settled by arbitrators selected—one by the general contractor and one by the claimant; and upon the failure or refusal of either of the said parties to select an arbitrator, then the matter in controversy shall be settled by action at law; and upon the payment by the owner or his agent of the amount ascertained to be due by the award of said arbitrators, or by action at law, he shall be released from all liability to the said sub-contractor, workman, or supplier of materials, and entitled to a credit against the general contractor for the amount so paid—the cost of arbitration to be borne and paid as said arbitrators shall adjudge and award in each case.

When owner may pay sub-contractor

Where sub-contractor's account is disputed; how settled

5. No lien created by this act shall bind any building, or the land on which it is erected, or other property affected thereby, for a longer time than six months after the same is secured, unless suit be brought within that time to enforce said lien: provided, however, that where, in any case, credit has been given by the contractor, and the credit payments have not

Limitation of lien

Proviso

fallen due when the lien is secured, said lien shall continue binding and in full force for six months after the last credit payment becomes due, not to exceed two years from the completion of the work.

Lien of general contractor to enure to benefit of sub-contractor; how

6. The lien secured upon any building or other improvement, by a general contractor, shall, at any time, enure to the benefit of any sub-contractor, workman, or other person performing labor or supplying material upon or about such building or other improvement, to whom said general contractor shall be indebted therefor: provided, said sub-contractor, workman, or other person, shall furnish notice to the owner of his claim against the general contractor before the amount of such lien is actually paid off and discharged.

Where owner has less than fee simple in land

Preference of mechanic's lien; to what extent

7. If the person who shall cause such building to be erected or repaired, owns less than a fee simple estate in such land, then only his interest therein shall be subject to said liens. The liens created by this act shall be preferred to every other lien or incumbrance which shall have attached upon said property subsequent to the time at which the work was commenced or the material furnished, and no incumbrance upon the land created after the making of the contract for the erection of a building upon such land, shall operate upon the building erected until the lien in favor of the persons doing the work or furnishing materials shall have been satisfied.

How lien enforced

8. The liens created by this act may be enforced by motion, upon reasonable notice, in the county or corporation court of the county or corporation in which the lien is recorded, whether the defendant reside in such county or corporation or not. And the owner of the property, or any other person interested therein, may, upon like notice to the lien-holder, move said court to dismiss and release said lien. In either case, the court having all the parties in interest before it, shall adjudge the right of the case in all respects, and enforce the same by its decree.

Suit in equity

9. In addition to the proceedings authorized by the last preceding section, any person holding the lien aforesaid, may commence a suit in equity, as in other cases of liens, against the owner of and all other persons interested as lien-holders or otherwise in such building and the land on which it is erected, and obtain such final decree therein for the sale thereof as justice and equity may require. The holder of such lien filed as aforesaid, on payment thereof, shall enter satisfaction of the same on record at the request of any one interested in the property charged with the lien within ten days after such request, on the payment of the cost of such entry; and on failure to enter such satisfaction, shall forfeit and pay the party aggrieved the sum of fifty dollars, and all damages which he may have sustained by reason of such failure or neglect.

Satisfaction of lien to be entered of record

Penalty

Other remedies not to be affected by this act

10. Nothing herein contained shall be construed to take away or affect in any manner any action which any such contractor, laborer, sub-contractor, or other persons performing labor or furnishing materials for such building, would otherwise have against his employer.

Commencement

11. This act shall be in force from its passage.

CHAP. 295.—An ACT to Prescribe the Duties and Fix the Compensation of Officers in Cities and Towns of over Five Thousand Inhabitants.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That in cities and towns of over five thousand inhabitants the duties, compensation and liabilities of clerks of the hustings, circuit, and chancery courts, and commonwealth attorneys shall be the same as were prescribed by the laws in force, for clerks of circuit and county or corporation courts, and for commonwealth attorneys, when the constitution was adopted, so far as consistent with this act and the constitution and the laws of this state.

Duties, &c., of certain officers of towns of over 5,000 inhabitants

2. The duties, compensation and liabilities of city sergeant shall be those conferred by the charter of the cities for which they are elected, and in addition thereto they shall be charged with the collection of the state revenue and taxes of the city or town in the same manner as the collectors of the various townships within the counties of this commonwealth; and they shall be clothed with the same rights and power for the collection of the same as are now, or hereafter may be, given by law to the sheriffs or other officers charged with the collection of taxes, and subject to like pains and penalties (except that in the city of Richmond the sheriff of said city shall be charged with collections of the state revenue in like manner as is herein required of city sergeants). They shall qualify before the judge of the hustings court of their city or town, either in term time or vacation, by taking the necessary oaths required by law, and executing bonds with good security, in a penalty not less than double the amount of taxes or revenue which may come into their hands: provided, that the minimum of such bond shall be five thousand dollars. They shall account for and pay over to the city treasurer all taxes or other moneys received by them, proper to be paid to the said treasurer, in the same manner as is or may hereafter be required of the collector of townships to account for and pay over to the county treasurer; and for a failure to do so shall be liable to the same penalties, forfeitures, fines, or damages as are or may be imposed by law upon such collectors for neglect of duty. In all cities in which no provision shall have been made for a collector of city taxes, under the charter thereof, they shall also be charged with the collection of the city taxes, under such rules, regulations, liabilities, and compensation, as may be prescribed by said charter; and if the charter make no provision for the same, then, in the same manner, subject to like penalties, pains, forfeitures and damages as are or may be hereafter provided by law for collectors of various townships in the collection of the county levy or taxes.

Sergeant

Sheriff of city of Richmond

Qualification

Penalties, &c.

3. The duties, compensation and liabilities of city or town treasurers shall be the same as those defined by the charters of said cities and towns, and as are or may be hereafter defined by law for county treasurers, both in relation to the state taxes or revenues from such city and town, or in relation to the city taxes. They shall qualify before the judge of the hustings

City or town treasurer

court of their cities or towns, executing like bonds as are or may hereafter be required of county treasurers.

Commissioners
of revenue

4. The duties, compensation and liabilities of commissioners of the revenue for said cities and towns shall be the same as now defined by law for commissioners of the revenue, so far as the same may be applicable to said city or town and not inconsistent with the constitution of this state and the laws thereof.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 296.—An ACT to Protect the Oyster Beds in the Waters of the Commonwealth.

Approved July 11, 1870.

In what months
oysters not to
be taken

How sold

Measures; di-
mensions of, and
how branded

Penalty on
collector

Proviso

Who may catch
oysters, &c.

Penalty

1. Be it enacted by the general assembly of Virginia, That hereafter it shall not be lawful to take or catch oysters in the waters of this commonwealth in the months of June, July, and August in any year; nor shall it be lawful at any time for any person to buy or sell oysters by any other than stave measures, which shall be uniform in shape and of the following dimensions: the bottom to be sixteen and a half inches across, from inside to inside; the top to be eighteen inches from inside to inside, and twenty-one inches diagonal from the inside chime to the top; half-tubs to be twelve and a half inches from inside to inside at bottom, thirteen and three-quarters inches from inside to inside at top, and sixteen and a half inches diagonal from inside chime to the top. All measures must be branded with the initials of the chief inspector, or of one of the district inspectors, and the number of his district; and in the measurement of oysters, the tubs must be filled with a slight rise above the top. Any person offending against the provisions of this section, shall forfeit and pay for each offence not less than ten nor more than fifty dollars, to be recovered, as other fines are, by judgment of any justice of the peace in the county or corporation in whose jurisdiction such offence may be committed. The collector of the oyster tax shall inspect and seal all such measures, for which he shall be paid fifty cents by the owner of each measure; and the collector of the oyster tax failing to comply with the law appertaining to inspection and sealing, shall be fined twenty dollars for each delinquency: provided, that nothing herein shall be construed as to prevent any person from catching his or her own planted oysters, or from catching or taking two bushels of oysters from the natural beds in any one day for family consumption, in the months aforesaid.

2. No person other than a resident citizen of this state shall catch terrapins or clams, catch, take, or plant oysters in the waters thereof, or in the rivers Pocomoke or Potomac; and if any person other than such citizen of this state shall catch terrapins or clams, catch, take, or plant oysters in the waters thereof, or in the rivers Pocomoke or Potomac, he shall be

deemed guilty of a misdemeanor, and upon conviction, he shall be fined five hundred dollars, and the vessel, tackle, and appurtenances so employed, shall be forfeited to the commonwealth, and at the discretion of the court, he may be imprisoned not more than six months; and any non-resident shall be deemed to have violated this section who shall allow oysters purchased by him for sale, and laid out in said waters until he has purchased his cargo, to remain so laid out more than thirty days; but this shall not extend to a citizen of Maryland taking oysters in the two above named rivers. But this section shall not be construed to give to citizens of Maryland the right to catch, take, or plant oysters in any creek, cove, or inlet tributary to said rivers.

Citizens of Maryland excepted as to Pocomoke and Potomac

3. Any citizen of this state who shall hire, borrow, or charter, or otherwise obtain the use from any person or persons, being a non-resident or non-residents of this state, of any vessel or boat of any description for the purpose of employing the same in taking, catching, or planting oysters in this state, and who shall permit such non-resident or non-residents to be interested, directly or indirectly, in the profits or gains of such vessel or boat, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be confined in the county jail not less than six months, and be fined not less than five hundred nor more than one thousand dollars, in the discretion of the jury; and the captain or master of such vessel or boat, engaged or employed in the taking, catching, or planting oysters as aforesaid, shall be likewise deemed guilty of a misdemeanor, and upon conviction, be subjected to the same punishment as is hereinbefore prescribed, and the vessel so used or employed, together with her apparel, tackle, boats, and appurtenances, shall be forfeited to the commonwealth.

Punishment for using vessel of non-resident, &c.

Punishment of captain

Forfeiture of vessel

4. That no person shall be considered a resident citizen of this state, within the meaning of the term as used in sections second and third of this act, who is not a tax-payer in the state, and shall not have resided within this state for twelve months next preceding the time when the offence may have been committed; and in all questions arising as to residence under this act, the onus probandi shall rest on the defendant: provided, that any person purchasing lands in this state to the value of one thousand dollars, one-fourth of the purchase money of which shall have been paid, and actually residing thereon, with the bona fide intention of becoming a citizen, shall have like privileges as though he had resided within this state prescribed time.

Who deemed a resident

Proviso

5. If any person shall take or catch oysters with instruments other than ordinary oyster tongs, within the waters of this state, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars and forfeit to the commonwealth the vessel or boat so employed, and at the discretion of the court be imprisoned not more than twelve months: provided, this section shall not apply to the waters of Tangier and Pocomoke sounds, or any of the waters adjacent to the counties of Accomack and Northampton, in water not less than twenty feet; but this privilege does not

How oysters may be taken

Penalty

Proviso

Proviso extend to any river or creek, or to the mouth of any river or creek: provided further, that the privilege of taking or catching oysters with instruments other than ordinary oyster tongs, in the waters above named, shall extend exclusively to citizens of Accomack and Northampton counties.

Oath of owner or master of vessel 6. But before a license shall be granted to any captain of a vessel, to be engaged in taking or catching oysters, with dredges or scrapes, the owner or owners and master of such vessel, shall each make oath before a magistrate, in the township where he or they reside, that they are the bona fide owner or owners and master of said vessel, which is to be described in

Bond a certificate to be given by said magistrate; and such owner or owners and master shall, moreover, before the magistrate administering the oath, with satisfactory personal security, enter into bond in the penalty of five hundred dollars, made payable to the commonwealth of Virginia, conditioned as follows: that they have been residents of the state for twelve months, or are entitled to the provisions of this bill by virtue of having purchased land to the amount of one thousand dollars and paid one-fourth of the amount thereon, as required in the foregoing section; that no non-resident owns, in whole or in part, said vessel; that the said vessel is not held with any intention or under any agreement to return her, at any subsequent time, to a non-resident; and upon presenting said certificate to any inspector, signed by a magistrate that the law has been complied with, license shall be granted by him according to the prescribed rates. All bonds given in accordance with the provisions of this section, shall be returned, by the officer taking them, to the clerk of the court.

Penalty for taking oysters planted by any citizen of state 7. Any person who shall take oysters imbedded, planted, or sold by any citizen of this state, or shall carry or attempt to carry the same away, without the permission of the owner thereof, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary for a term not less than three nor more than five years, at the discretion of the jury.

Collectors of oyster tax; their duties 8. The collectors of oyster tax shall be specially charged with the execution of the provisions of this act. They shall be empowered to make arrests of all parties who shall violate any of the provisions of this act, and when parties are so arrested by the collector of the oyster tax, he shall deliver them over to some justice of the peace, who shall commit them to jail or bail them: provided, they give bond in good and sufficient security in double the amount of the fine imposed by law, to appear at the next monthly or quarterly term of the county or corporation court to answer for the said offence, and to ratify the judgment that may be rendered against him. Every collector of oyster tax making an arrest under this act, shall be entitled to receive a fee of three dollars for every arrest so made.

Penalty on collector 9. For the failure of the collector of oyster tax to perform any of the duties prescribed by this act, he shall be liable to be fined in a sum of not less than one hundred nor more than one thousand dollars in each case. One-half of all fines im-

posed and collected for a violation of any of the provisions of this act shall go to the informer, and the other half to the commonwealth. Nothing contained in this act shall prevent the inspector from being an informer and receiving one-half of any fine imposed. This act shall be given in charge to the grand jury of the several county courts of the counties lying in and adjoining the oyster district. Duty of grand jury

10. All acts and parts of acts heretofore enacted, relating to or concerning the protection of oysters inconsistent with the provisions of this act, shall be and the same are hereby repealed. Inconsistent acts repealed

11. This act shall be in force from and after the first day of August, eighteen hundred and seventy. Commencement

CHAP. 297.—An ACT to Amend and Re-enact Sections Four, Five, Six, Seven, Thirteen, Fourteen, Sixteen, Twenty-nine, Thirty-one, Forty-six, Forty-seven, Fifty, Fifty-four, Fifty-nine, Sixty-two, Sixty-eight, Eighty-four, Eighty-six, One Hundred and Six, and One Hundred and Seven of an Act entitled an Act Providing a Charter for the City of Richmond, approved May Twenty-fourth, Eighteen Hundred and Seventy.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That sections four, five, six, seven, thirteen, fourteen, sixteen, twenty-nine, thirty-one, forty-six, forty-seven, fifty, fifty-four, fifty-nine, sixty-two, sixty-eight, eighty-four, eighty-six, one hundred and six, and one hundred and seven of an act entitled an act providing a charter for the city of Richmond, approved May twenty-fourth, eighteen hundred and seventy, be amended and re-enacted so as to read as follows: Charter of city of Richmond amended: § 4, 5, 6, 7, 13, 14, 16, 29, 31, 46, 47, 50, 54, 59, 62, 68, 84, 86, 106, and 107

“ § 4. Whenever any special election shall be ordered by the city council for any object not provided for in the general election laws of the state, they shall communicate their order for the same to the judge of the corporation court, and the same proceedings shall be had as are provided by the laws of the state for special elections to fill vacancies in any municipal office.

“ § 5. The election of municipal officers, hereinafter mentioned, shall be held on the fourth Thursday in May next, and on the fourth Thursday in May in every second year thereafter, except for the election of city treasurer, who shall be elected on the said Thursday in every third year thereafter; and the said elections shall be conducted under the provisions of the general election laws of the state.

“ § 6. In cases of vacancies arising in any municipal office herein provided to be filled at the first election that may be held thereafter in said city, it shall be the duty of the mayor forthwith, upon the happening of such vacancy or vacancies, to certify the fact of such vacancy or vacancies to the judge of the corporation court, who shall issue his writ for election to fill such vacancy or vacancies in the manner prescribed in the general election law of the state.

§ 7

"§ 7. The mayor and the members of the city council, before entering upon the duties of their respective offices, shall be respectively sworn in accordance with the laws of this state. Such oaths may be administered to the mayor elect by any judge of a court of record commissioned to hold any such court within said city; and the members of the city council by the mayor, being himself first sworn as aforesaid, or by any judge of any court of record as aforesaid; and a certificate of such oaths having been respectively taken, shall be filed with the city clerk, and entered upon the journal of the city council. Every other person elected or appointed to any office under this act, or under any law or ordinance of the city council, shall, before he enters upon the duties of said office, take and subscribe said oath, and such other oaths as may be required by law or ordinance, before the mayor or city clerk, the said clerk having himself been first sworn by said mayor or a judge of a court of record as aforesaid; and a certificate of the same shall be filed in the office of said city clerk. If any person, elected or appointed to any office in said city, shall neglect to take such oath for forty days after receiving notice of his election or appointment, or shall neglect, for the like space of time, to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any such vacancy shall occur, another election shall be ordered or another appointment made, according to the directions of this act."

§ 13

"§ 13. In case a vacancy shall occur in the office of mayor, the city council shall elect a qualified person to supply the vacancy until the first general election which may be held in the city thereafter, when the vacancy shall be filled by election for the unexpired term."

" CHAPTER III.

" *City council.*

§ 14

"§ 14. The council of the city of Richmond shall be composed of twenty-five members, or more, according as the number of wards of said city, as hereinbefore provided, shall be increased. The several wards of said city shall be respectively represented in said city council by five councilmen, who shall be residents of their respective wards, and shall not be less than twenty-one years of age. They shall be elected by the electors of their respective wards, and hold their offices, respectively, for two years."

§ 16

"§ 16. The council shall elect one of its members to act as president, who shall preside at its meetings; and when, from any cause, he shall be absent, they may appoint a president pro tempore, who shall preside during the absence of the president. The president, or the president pro tempore who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president shall have power at

any time to call a meeting of the council; and in case of his absence, sickness, disability, or refusal, the council may be convened by the order, in writing, of any three members of the council."

"CHAPTER IV.

"City Officers.

"§ 29. The council may appoint such officers and clerks as § 29 they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, and may take from any of the officers, and so forth, appointed, bonds, with sureties, in such penalties as to the council may seem fit, payable to the city by its corporate name, with condition for the faithful performance of said duties. All officers appointed by the council may be removed from office at its pleasure. In case of vacancies occurring in any municipal office, when it is not herein otherwise provided, the city council shall elect a qualified person to fill such office during the unexpired term."

"§ 31. The city auditor shall be elected by the qualified § 31 voters of the city of Richmond. He shall hold his office for the term of two years, and until his successor be elected and qualify, unless sooner removed. He shall hold his office in such place as may be designated and prescribed by the city council. He shall give bond, with sureties, to the amount of not less than thirty thousand dollars, which shall be determined by the city council, before he enters upon the duties of his office; said bond to be approved by the said city council, entered on their record, and filed in the office of the city clerk. The said auditor shall open and keep, in a neat and methodical manner, a complete set of books, under the direction of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things, kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof."

"§ 46. The treasurer may be required to keep all moneys in § 46 his hands, belonging to the city, in such place or places of deposit as the city council may, by ordinance, provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money, or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall, as in other cases,

fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed.

§ 47 " § 47. There shall be elected by the qualified voters of the city of Richmond, one collector of the city taxes, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than fifty thousand dollars; said bond to be approved by the city council, entered on their records, and filed in the office of the city clerk."

§ 50 " § 50. The said collector is expressly prohibited from keeping the money of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time prescribed for the payment of the same into the city treasury, and any violation of this provision shall subject him to immediate removal from office."

§ 54 " § 54. There shall be elected by the qualified voters of the city of Richmond, one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled by election for the unexpired term."

§ 59 " § 59. The city council shall appoint a suitable and proper person, who shall be the attorney and counsel for the corporation, who shall hold his office for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify. He shall receive such compensation as the council may determine, to be paid by the city. Said attorney shall have the management, charge, and control of all the law business of the corporation and the departments thereof, and of all the law business in which the city shall be interested; shall draw all leases, deeds, and legal papers for the same, and be the legal adviser of the mayor, city council, or any committee thereof, and of the several departments of said corporation; and when required, shall furnish written opinions upon any subjects involving questions of law submitted to him by them. He shall appear as counsel for the said corporation in any civil case in which it is interested, depending in any court in the city of Richmond; and when the constitutionality or validity of any ordinance is brought in issue in any penal prosecution, or when the mayor shall direct a prosecution for a nuisance, he shall appear for the prosecution when the case shall come into court. He shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the city council."

§ 62 " § 62. There shall be appointed by the city council one engineer for the city, who shall hold his office for the period of

two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council and filed in the office of the city clerk."

"§ 68. There shall be set apart, annually, from the accruing ^{§ 68} revenues of the city, a sum not less than one per centum of the city debt existing at the commencement of this act. The fund thus set apart shall be called the sinking fund; and shall be applied to the payment or purchase of the principal of the city debt. If no part be redeemable, then the residue of the sinking fund shall be invested in the bonds or certificates of debt of the city, and applied to the payment of the city debt as it shall become redeemable. Whenever hereafter there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per centum the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction, which sum shall be applied and invested towards the payment of such debt in the same manner as hereinbefore provided for the present existing debt of the city."

"CHAPTER VI.

"Police and fire departments.

"§ 84. The police department of the city of Richmond shall ^{§ 84} be under the general control and management of police commissioners thereof, who shall consist of the mayor, the president of the city council, and the police justice, and shall constitute a board of police commissioners for said city; of which board the mayor shall be president, and shall have a casting vote. Any two of said commissioners shall form a quorum for the transaction of any business. Said board may adopt rules and by-laws for the government thereof, and also may establish, promulgate, and enforce proper rules, regulations, and orders for the good government and discipline of said police force: provided, that said rules, regulations, and orders shall not in any way conflict with any ordinance of the city council, or of the provisions of this act, or the constitution and laws of this state or of the United States."

"§ 86. It shall be the duty of said police commissioners to ^{§ 86} select from among the electors of said city, and appoint by warrant of appointment, bearing the signatures of all three of said commissioners, to be immediately filed with the city clerk, so many permanent policemen, officers, and patrolmen as may be authorized by the city council; and said board shall also appoint, with the approval of the city council, one chief of police, who shall hold office for the term of two years, through whom said board may promulgate all rules, regulations, and orders to the whole force, and who shall have immediate direction and control of said force, subject, however, at all

times, to the rules, regulations, and orders of said board, and to the orders of the mayor: provided, that the orders of such single commissioner do not conflict with the rules, regulations, or orders of said board then in force; and said chief and each policeman of said police force, appointed in manner as aforesaid, may hold his respective office during the term of good behavior, or until said board, by unanimous vote, shall remove him; but in case of misconduct on the part of such chief or any member of said police force, then he may be removed by the decision of a majority of said board, as hereinafter provided, or by the city council."

§ 106

"§ 106. There shall be appointed by the city council one police justice, who shall hold his office for the term of two years, and until his successor shall be elected and qualify, unless sooner removed from office. The police justice shall hold a court daily in said city (Sundays excepted), in such place as the city council may provide and appoint. The jurisdiction of the court shall extend to all cases arising within the jurisdictional limits of the city, of which a justice of the peace may take cognizance under the laws of the state, and to all cases arising under the charter or ordinances of the city, or where there is a claim against the city or a person therein, if it does not exceed one hundred dollars, exclusive of interest; and the judgment shall be final in all civil cases where the matter in controversy, exclusive of costs, is not more than twenty dollars. He shall have such other powers and jurisdiction as may be conferred upon him by the city council, not in conflict with the constitution and laws of the United States and of the state of Virginia.

"The city council may provide for the appointment of such clerks and officers for said court of the police justice, and make such rules for the government of said court, as they may find proper.

"If any person who has been duly summoned as a witness to attend and give evidence before the police justice, touching any matter or thing pending before him under the charter or any ordinance of the city, shall fail to attend in obedience to the said summons, he or she may be fined, at the discretion of the said justice, in a sum not exceeding twenty dollars.

§ 107

"§ 107. There shall be elected by the qualified voters of each ward, three justices of the peace for each ward of the said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualify, unless sooner removed from office. They shall be designated by the city council as first, second, third, et cætera, justices. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Richmond, and shall have the same powers and duties within said limits as are provided by law in respect to justices of the peace in counties of this state in their respective counties, except that nothing herein contained shall be construed as vesting in said justices any portion of the jurisdiction given by this act to the police justice.

"Whenever the police justice shall be absent from the city,

or unable, from any cause, to hold his court, the same shall be holden by a justice of the peace, to be designated by the council. And when the said court shall be holden by a justice of the peace six or more days in succession, he shall be entitled to receive therefor the same compensation, pro rata, that may be prescribed as salary to the police justice."

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 298.—An ACT to Amend an Act entitled an Act passed the 29th of May, 1852, entitled an Act to Prescribe the Mode of Electing Trustees for the Town of Farmville, in the County of Prince Edward, and Vesting them with Corporate Privileges.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That the act passed on the twenty-ninth day of May, eighteen hundred and fifty-two, entitled an act to amend the act passed on the twenty-sixth of February, eighteen hundred and thirty-three, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate powers, be and the same is re-enacted and amended so as, with the amendments, to read as follows: "That the town of Farmville, in the county of Prince Edward, as the same has been heretofore laid off into lots, streets, and alleys, and as the same may hereafter be further laid off and extended into lots, streets, and alleys, shall be and the same is hereby made a town corporate, by the name and style of The Town of Farmville, and by that name and style shall have perpetual succession and a common seal, and exercise the powers hereinafter granted, and the powers conferred by laws of Virginia upon towns, so far as the same may not be inconsistent with the provisions of this act.

Charter of
Farmville
amended

"§ 2. That for the better government and well-ordering of said town, it shall be lawful for the residents thereof, qualified to vote for all officers elective by the people under the constitution of this commonwealth to elect annually, by ballot, on the fourth Thursday in May, the following officers; that is to say: one mayor, nine councilmen, one sergeant, one commissioner of the revenue, one treasurer, and one keeper of the public scales of said town. Each of said officers shall have the qualifications required by the constitution of this state for any elective office therein, and shall, when elected and qualified as hereinafter provided, have the powers, perform the duties, and be subject to the liabilities and responsibilities prescribed by the general laws of this state, by this act, and the by-laws and ordinances of said town.

What officers
elected

"§ 3. The judge of the county of Prince Edward, shall, in term or vacation, not less than ten days before the fourth Thursday in July, eighteen hundred and seventy, appoint for the town of Farmville one registrar and three judges of election, who shall also act as commissioners of election. The registrar shall,

Registrar and
judges of elec-
tion

without delay, proceed and continue for three consecutive days, to register the names of all qualified voters who reside within the corporate limits of said town and who apply to be so registered. The list of registered voters so made shall, by the registrar, be placed in the hands of the judges of election, who shall, at sunrise of the fourth Thursday in July, eighteen hundred and seventy, open a poll at some convenient place within said town, and until sunset, of same day, shall receive the ballots of all voters, duly registered as above provided, who may present themselves for the purpose of voting; and on the close of the poll at sunset, said judges shall, without adjournment or delay, proceed to count the ballots so deposited, and make return in writing, duly certified, of the result of said count, which, with the ballots sealed in a separate package, shall be forwarded, without delay, to the clerk of the county court of Prince Edward; and a copy of the said return shall be filed with the clerk of the board of trustees of said town, or their successors in office, whose duty it shall be to notify each person so declared elected, of the fact of such election.

Contesting
elections

"The time and manner of contesting elections, under this act, shall be as prescribed in general laws relating to elections; and subsequent to eighteen hundred and seventy, the annual election shall be held on the fourth Thursday in May; and revision of list of registered voters, and any and all matters and forms pertaining to said election, shall be governed by general laws of this state providing for registration of voters and for general elections, so far as applicable to elections for municipal officers of the town of Farmville.

Oath of office

"§ 4. The persons so elected, shall, before they enter upon the duties of their offices, respectively, take an oath, or make solemn affirmation, as prescribed by law, before some one authorized to administer oaths, well and truly, faithfully and impartially to do, execute, and perform the duties of their several offices according to the best of their skill and judgment, and file a certificate thereof with the clerk of the council: provided, that said oaths may be taken and the fact recorded before the council at any meeting, and may be administered by the mayor or other officer then presiding.

When regular
election not
held, upon what
notice an elec-
tion may be held

"§ 5. That should it so happen that an election of officers, as above named, be not made at the time prescribed for an annual election, then such election may be had upon ten days' public notice (given by any two or more duly qualified voters of said town) of the time and place of election: and provided, the list of registered voters residing within said town shall be previously revised as prescribed by law. All officers elected or appointed under the provisions of this act, shall hold and perform the duties of their respective offices until their successors, or a legal quorum thereof, are elected and qualified.

Mayor; his
duties

"§ 6. The mayor shall preside at the meetings of the council, or, in his absence, one of the councilmen, chosen by a majority of the councilmen then present. He shall be the chief executive officer of the town; shall be clothed with all the powers and authority of a justice of the peace in civil as well as criminal matters arising within the corporate limits, and

said jurisdiction shall extend to a distance of one mile beyond the corporate limits of said town; shall take care that the by-laws and ordinances of the town are faithfully executed, and shall exercise all the powers and duties now vested, or which may be hereafter vested, in mayors of towns of less than five thousand inhabitants. He shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary; shall have power to issue process, hear and determine all prosecutions, cases, and controversies arising under any by-laws and ordinances of the town; to impose fines when authorized by said by-laws and ordinances, and issue execution for their collection, saving to the parties the right of appeal to the county court of Prince Edward; which appeal, if the fine or other matter or thing shall exceed the sum of five dollars, shall be taken in the same time and manner, and upon the same terms that appeals are now taken by law from judgments of a single justice of the peace.

"§ 7. The council shall meet monthly, at such time as they may themselves appoint; and special meetings may be held at any other time than that so appointed, on the call of the mayor or any three councilmen. Upon the call of any member, the yeas and nays on any question shall be called, and recorded on the journal. The proceedings of every meeting shall be entered upon the journal, and shall be signed by the person presiding; and the record of all proceedings shall be open to the inspection of the voters of the town. Council

"§ 8. The council shall have power and authority within the said town to establish markets and regulate the same; to alter or improve streets, alleys, walks, and bridges, and keep the same in order; to provide for the lighting of the streets and the protection and repair of street lamps and lamp posts; to provide against and prevent accidents by fire, and for that purpose to establish and organize fire companies, purchase engines, and provide such wells or cisterns as may be necessary to supply the same with water for the purpose of extinguishing fires; to prevent and punish, by reasonable fines, the practice of discharging fire-arms and running horses in said town; to license and regulate shows and other public exhibitions, and the same to tax in such reasonable extent and manner as may be expedient and lawful; to lay off public grounds, and provide and take care of public buildings, grounds, and cemeteries, and to establish proper regulations for the management of such cemeteries, and charges for the use or sale of lots therein, for the purpose of providing for the decent maintenance of the same; to adopt rules for its own government and the transaction of its business; to define the powers, prescribe the duties, and fix the term of service and compensation of its appointees, necessary for conducting the affairs of said town, not otherwise provided for by this act; to fix the salary and compensation of the mayor and all other officers; but no compensation shall be allowed to any member of the council, except he be acting as recorder or clerk for the council; and finally, to make all such by-laws, rules, and regulations (not inconsistent with the constitution and laws of this state or of the United States) Their powers

as they may deem necessary and proper for the good government of said town, and the same to enforce by reasonable fines and penalties, not exceeding, for any one offence, the sum of ten dollars, to be recovered, with costs, in the name of the corporation of Farmville, under the judgment and order of the mayor, saving appeal, as herein provided, to the county court of Prince Edward; or in default of payment of such fine, the offender may be imprisoned in the town jail not more than thirty days.

Revenue for the town

" § 9. The council shall have power to provide a revenue for the town and appropriate the same, and for that purpose the commissioner of the revenue shall make an annual assessment of taxable persons and property within the town, such as is now or may hereafter be subject to taxation by the revenue laws of the commonwealth, and also on dogs or other animals running at large: provided, that the tax on real estate shall not exceed in any one year, fifty cents on every hundred dollars' value thereof, and fifty cents per head on each male inhabitant over twenty-one years of age: and provided also, that the tax imposed on all other property within said town shall not exceed the like taxation on like subjects, imposed by the revenue laws of this commonwealth, unless such excess shall have been authorized by a majority of the qualified voters of said town, voting upon such question at any annual election for mayor and councilmen.

Distribution of water

" § 10. It shall be competent for the council to conduct and distribute water into and through said town whenever the question shall have been, after at least thirty days' public notice, submitted to a vote of the qualified voters within said town at any annual election for mayor and councilmen, and the ballots cast by such voters on said question, being duly canvassed, as provided for the canvass of votes cast at the election of municipal officers, a majority shall assent to the introduction and distribution of water into and through said town, and the necessary charges upon the said town incurred thereby.

Town licenses

" § 11. Whenever anything for which a state license is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of the town. The council may require from the person so licensed, a bond, with sureties, payable to said town, in such penalties and with such conditions as it may think proper and reasonable, and may revoke such license at any time if the conditions of said bond be broken.

Sergeant; his duties, &c.

" § 12. The sergeant of said town shall collect the town taxes, fines, levies, and licenses, and shall have and possess the right of distress and powers in collecting said taxes, fines, levies, and licences, service and return of all process arising under the authority of this act, or of any by-law made in pursuance hereof, and shall be entitled to the same or like fees and commissions as are allowed by law to constables or township collectors for similar duties and services; except that the commission for collecting taxes, levies, and licenses, may be fixed by the council at such rate as they deem proper: and pro-

vided further, that he shall not distrain or levy therefor until thirty days from the time of receiving the commissioner's books. Said sergeant shall execute to the said town of Farmville, bonds, with security deemed sufficient and approved by council, in such penalty as they shall deem necessary, payable to the corporation, conditioned for the faithful discharge of his duties, and payment over of said taxes and other moneys by him collected in virtue of his office; and he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the county of Prince Edward, for enforcing payment of such taxes and other moneys by him collected, at the suit of the said mayor and council, or other persons entitled, as collectors of county levies are, by law, subject to for enforcing payment of the levies by them collected.

"§ 13. The treasurer shall have charge of all moneys belonging to said town, and shall pay the same out on the order of the mayor, countersigned by the clerk or recorder of the council, and not otherwise. He shall execute, to the said town of Farmville, bonds, with security, deemed sufficient and approved by the council, in such penalty as they shall deem necessary, payable to the corporation, conditioned for the faithful discharge of his duties, in the safe-keeping and proper disbursement of all town funds received by him; and in default thereof, subject to the like proceedings as hereinbefore provided in the case of default or malfeasance by sergeant of said town. Treasurer

"§ 14. In case of the misconduct of any officer of said town, appointed by the council under the authority of this act, the said council shall have power to remove the offender and supply the vacancy thereby occasioned. And in case of a vacancy in the office of councilman, sergeant, commissioner of the revenue, treasurer, or keeper of the public scales, the council may supply such vacancy for the unexpired term by the appointment of a properly qualified voter residing within said town; and in case of a vacancy in the office of mayor, the council may supply such vacancy for the unexpired term by the election of one of their own number, who shall thereupon take and subscribe an oath, or solemn affirmation, truly, faithfully and impartially to discharge the duties of said office so long as he shall continue therein, and be invested with and fully empowered to exercise all the functions of such officer when elected by the people. Removal of officers, and vacancy in office

"§ 15. That in order the better to determine what persons are liable to taxation in said town, it is hereby declared that all persons liable to taxation, as hereinbefore provided, and residing in said town, annually, on the first day of April, shall be subject to taxation the then current year. Persons liable to taxation

"§ 16. All fines, penalties, and amercements, and all other moneys received or raised by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of the council for the use and benefit of said town. Fines, &c.; how appropriated

"§ 17. The council may, in the name and for the use of the town, contract loans, or cause to be issued certificates of debt, and provide for a sinking fund to pay the same; but such loans Council may contract loans, &c.

shall not be made redeemable for a period less than five years or greater than thirty-four years: provided, that no tax shall be levied and no debt shall be created unless by a vote of two-thirds of all the members of the council elected, which vote shall be taken by ayes and noes, and spread upon the journal.

Appeals

"§ 18. That in all suits or prosecutions arising under any by-law, rule, or regulation made by the council of the said town, in manner aforesaid, when the constitutionality or validity of such by-law, rule, or regulation shall be contested, appeals shall be from the judgment of the judge of the county court of Prince Edward to the circuit court for the said county, without regard to the sum or amount in controversy. Such appeals shall be taken within the same time and upon the same terms as are prescribed by law for taking appeals from the judgments of county courts within this commonwealth; and the said circuit court shall try and decide such appeals in the same manner as the several county courts within this commonwealth are by law directed to try appeals from the judgments of justices of the peace; and judgments of said circuit court, rendered upon such appeals, shall be executed as other judgments of the said court are executed.

Certain act repealed

"§ 19. The act passed on the twenty-ninth day of May, eighteen hundred and fifty-two, entitled an act to amend an act passed on the twenty-sixth day of February, eighteen hundred and thirty-three, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate powers, is hereby repealed.

Commencement

"§ 20. This act shall be in force from its passage."

CHAP. 299.—An ACT to Incorporate the Clay Bank Wharf Company.

Approved July 11, 1870.

The Clay Bank Wharf Company Incorporated

1. Be it enacted by the general assembly, That W. R. Rowe, Christian Weaver, Michael Scantlan, and C. B. Hebble, and their successors, shall be and they are hereby incorporated and made a body politic and incorporate, under the name and style of The Clay Bank Wharf Company, for the purpose of erecting a wharf on York river: provided, the navigation of said river shall not be impeded nor any private rights injured thereby. Said company shall be invested with all the rights, powers, and privileges conferred, and subjected to all the rules, regulations, and restrictions imposed by the Code of Virginia and such general laws as may be hereafter passed.

Commencement

2. This act shall be in force from its passage.

CHAP. 300.—An ACT to Incorporate the Lynchburg and Green Hill Plank-road Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription, in the city of Lynchburg, under the direction of T. C. S. Ferguson, John O. Taylor, Charles W. Crew, and E. C. Randolph, or any two of them; and at Campbell Courthouse, under the direction of Addison Moe, John Wimbish, J. D. Alexander, and A. J. Clark, or any two of them, for the purpose of receiving subscriptions to an amount not exceeding one hundred and fifty thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for constructing a plank-road from the city of Lynchburg, by Campbell Courthouse, to Pannill's old bridge, on Staunton river.

Lynchburg and
Green Hill
Plank-road
Company
Incorporated

Capital, &c.

Route

2. Be it further enacted, That whenever ten thousand dollars of the amount aforesaid shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby declared and constituted a body politic and corporate, under the name and style of The Lynchburg and Green Hill Plank-road Company, and shall be entitled to all the privileges conferred, and subject to all the restrictions and regulations imposed by the Code of Virginia, and acts of the general assembly amendatory thereof, so far as the same are applicable and not inconsistent with this act: provided, that the road shall be commenced within three years from the passage of this act.

When company
to commence

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 301.—An ACT Amending the Act passed March 2, 1858, entitled an Act to Incorporate a Company to Construct a Turnpike Road from Sydnor's Spring, in the County of Frederick, to Intersect a Road leading from Winchester to Front Royal.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the act passed March second, eighteen hundred and fifty-eight, entitled an act to incorporate a company to construct a turnpike road from Sydnor's Spring, in the county of Frederick, to intersect a road leading from Winchester to Front Royal, be amended and re-enacted so that the same shall read as follows, to wit: "That for the purpose of constructing a turnpike road from Sydnor's Spring, in the county of Frederick, passing through Newtown on the Valley turnpike road, to intersect a road leading from Winchester to Front Royal, at the White Post road, as near on the line of the present road as practicable, it shall be lawful to open books of subscription, under the direction of E. T. Hancock, Samuel T. Rust, Robert W. Miller, Martin R. Kaufman, James Chipley, T. M. Miller, O. R. Funsten, G. W. Mor-

Newtown Turn-
pike Company
Incorporated

Route

Commissioners
to open books

When corpora-
tion to begin

ris, and J. McK. Kenerley, U. L. Boyce, or any three or more of them, or under the direction of any other persons that three or more of them may appoint, for the purpose of receiving subscriptions to the amount of twelve thousand dollars, in shares of twenty-five dollars each. When the sum of twenty-five hundred dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a joint stock company under the name and style of The Newtown Turnpike Company, subject to the fifty-seventh and sixty-first chapters of the Code of Virginia in relation to turnpike companies: provided, that said company shall not be compelled to pave their road or to make a summer or side road thereto. Said road is to be constructed not less than eighteen feet wide, exclusive of ditches, and at a grade not exceeding four degrees.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 302.—An ACT to Authorize the Payment of a Sum of Money to J. L. Carrington for the Use and Occupation of the Ballard House by the General Assembly.

Approved July 11, 1870.

Payment for use
of Ballard
House

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized to issue his warrant upon the treasury, to be paid out of any money not otherwise appropriated, in favor of J. L. Carrington for the sum of one hundred dollars, as compensation for the use and occupation of the Ballard House by the general assembly.

Commence-
ment

2. This act shall be in force from and after its passage.

CHAP. 303.—An ACT for the Payment of Rent of Office and Storage Room for Printing Paper to J. J. Palmer, late Superintendent of Public Printing.

Approved July 11, 1870.

Appropriation
in favor of John
J. Palmer, late
superintendent
of public print-
ing

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the state treasurer for the sum of two hundred and twenty-five dollars, out of any moneys in the state treasury not otherwise appropriated, in favor of John J. Palmer, late superintendent of public printing, being the amount due him for rent paid for office and for rent of room for storage of printing paper belonging to the commonwealth.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 304.—An ACT Providing Compensation for the Clerk of the Hustings Court of Richmond.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That from and after the second day of May, eighteen hundred and seventy, the clerk of the hustings court of the city of Richmond shall receive for his services, out of the treasury of the said city, for services to the public of said city, such sum as the judge of said court may allow, not exceeding the sum of eighteen hundred dollars in one year.

Compensation
of clerk of hust-
ings court of city
of Richmond

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 305.—An ACT to Confirm the Charter granted to the Lynchburg Agricultural and Mechanical Society, by order of the Judge for the Circuit Court for the city of Lynchburg, dated October 4, 1869.

Approved July 11, 1870.

Whereas, the judge of the circuit court for the city of Lynch- burg, on the fourth day of October, eighteen hundred and sixty-nine, acting under the provisions of the sixty-fifth chapter of the Code of eighteen hundred and sixty, as amended by the act passed January twenty-ninth, eighteen hundred and sixty-seven, granted a charter of incorporation to The Lynchburg Agricultural and Mechanical Society, which provides, in the fifth section thereof, that the capital stock of said society shall be divided into shares of twenty dollars each :

Preamble

1. Be it enacted by the general assembly, That the charter of incorporation granted as aforesaid, by the said judge, to the said Lynchburg Agricultural and Mechanical Society, is hereby confirmed, and shall be as valid, to all intents and purposes, as if the said sixty-fifth chapter of the Code, as so amended, had authorized the capital stock of said society to be divided into shares of twenty dollars each.

Charter con-
firmed

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 306.—An ACT Amending Third Section of the Act passed April Twenty-seventh, Eighteen Hundred and Sixty-seven, Incorporating the Real Estate Savings Bank at Lynchburg.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the third section of the act incorporating the Real Estate Savings Bank at Lynchburg, passed April twenty-seventh, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows :

Charter of Real
Estate Savings
Bank, at Lynch-
burg, amended

§ 3

"§ 3. The capital subscribed to the stock of the said bank may be secured by a pledge of unencumbered real estate, equal in value to the subscription so made, and shall constitute a lien upon such real estate and be liable for the debts and obligations of the corporation. The real estate so subscribed shall be so described with metes and bounds as to be clearly identified; and the pledge of the real estate so subscribed shall be recorded in the clerk's office of the county or corporation in which the land lies, and constitute a lien upon such real estate; and no deed of trust, mortgage, or judgment lien, shall in any manner affect the liability of such real estate so pledged to the prejudice of this corporation. But the owner of such real estate may at any time discharge the lien thereon by payment of the amount for which it is pledged; such payment to be made to the bank: provided, said lien shall not have been transferred by said bank. But if such lien shall have been so transferred, then payment shall be made to the party or parties holding such lien, or to their trustees. But if, after organization, said bank shall desire to proceed upon a cash basis, it may accept surrenders of its secured and unpaid stock, and execute releases of the real estate pledged to secure the same: provided, that the minimum capital of the bank shall not thereby be reduced below three thousand dollars."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 307.—An ACT for the Relief of the Sureties of John R. Pharr, late Sheriff of Alleghany county.

Approved July 11, 1870.

For relief of
sureties of John
R. Pharr, late
sheriff of Alle-
ghany

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and directed, upon a settlement of the judgment in the name of the commonwealth against John R. Pharr, late sheriff of Alleghany county, and his securities, for his default in the payment of the revenue for the year eighteen hundred and sixty-eight, to receive from said sureties, in discharge of said judgment against them, the payment of the principal, legal interest, and costs and expenses of collection, abating therefrom the sum of four hundred and seventy-three dollars and twenty-five cents, the damages which have been awarded for said default; and he is also authorized to allow credit on said judgment for any insolvents which may be proved within ninety days from the passage of this act, if he shall be satisfied that the same were not lost by the neglect or default of the said Pharr while in office: provided, however, that nothing in this act shall be construed to relieve said Pharr from any portion of said judgment.

Proviso

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 308.—An ACT Providing for the Payment of One Thousand Dollars to James Lyons for Professional Services.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized and required to issue his warrant on treasury for the sum of one thousand dollars, payable out of any moneys therein, not otherwise appropriated, in favor of James Lyons, of the city of Richmond, for services heretofore rendered in going to Washington and arguing in the supreme court the cases of Sally Anderson, Caesar Griffin, and Jeter Phillips, and for all professional services hereafter to be rendered in arguing the case of Jeter Phillips in the United States district court of Virginia.

Compensation to James Lyons, Esq., for professional services

2. This act shall be in force from its passage.

Commencement

CHAP. 309.—An ACT to Incorporate the Lee County Agricultural and Mechanical Association.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That Wm. N. G. Barrow, J. W. Scott, Isaiah Dougherty, A. R. Surgener, A. L. Pridmore, A. H. Fulkerson, Wm. D. Morgan, E. S. Martin, Wm. McDonald, and such other persons as may be hereafter associated with them, be and they are hereby created and made a body corporate and politic, under the name and style of The Lee County Agricultural and Mechanical Association, for the purpose of establishing and conducting fairs and other exhibitions of the natural and industrial products of Lee and the surrounding counties; and by that name may have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, in any and all of the courts of this commonwealth; may purchase and hold, rent, sell, or otherwise dispose of, any real or personal estate necessary for the use of the corporation.

Lee County Agricultural and Mechanical Association incorporated

2. The capital stock of the company shall not be less than two thousand nor more than ten thousand dollars, to be divided into shares of ten dollars each. No one person shall hold more than ten shares of said stock.

Capital, &c.

3. The annual meetings of the corporation shall be held on the first day of September in each year, or upon such other day as may be fixed upon by the by-laws. In such meeting, each member may cast as many votes as he has shares of stock. Female members may vote by proxy, but no person shall act as proxy who is not a member of the corporation. At such meeting, there shall be elected a president and as many directors as the by-laws may prescribe, who shall hold their offices for the term of one year, and until their successors are elected; and who shall have control of the affairs of the company du-

Annual meetings

Voting, &c.

Officers

ring their continuance in office, under such restrictions and limitations as may be prescribed by the regulations.

By-laws

4. The corporation may enact such by-laws for the government of the same as they may deem necessary and proper, not repugnant to the laws of this state or of the United States. The said by-laws may impose such penalties for delinquencies and neglect of duty as may be deemed proper. Persons not members of the corporation may be admitted to share its privileges and benefits, in such manner and under such restrictions as may be prescribed in the by-laws.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 810.—An ACT to Amend and Re-enact an Act passed December Nineteenth, Eighteen Hundred and Sixty-six, entitled an Act to Incorporate the Loudoun Savings Bank.

Approved July 11, 1870.

Charter of Loudoun Savings Bank amended

1. Be it enacted by the general assembly, That the act passed December nineteenth, eighteen hundred and sixty-six, entitled an act to incorporate the Loudoun Savings Bank, be amended and re-enacted so as to read as follows:

Corporators

"§ 1. That L. W. S. Hough, George R. Head, William B. Lynch, Benjamin F. Taylor, Charles F. Fadely, Fenton M. Henderson, Charles P. Janny, Benjamin F. Sheetz, E. F. Potts, Edward G. Coufman, George W. F. Hummer, Fenton Furr, John R. Smith, John G. Vial, James M. Walker, Peter T. Fry, F. M. Myers, Wm. E. Ellison, and A. M. Warner, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Loudoun Savings Bank, and by this name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, applicable to savings banks, and not inconsistent with this act.

Capital, &c.

"§ 2. The capital stock of the said corporation shall not be less than five thousand dollars, which may be increased from time to time to a sum not exceeding fifty thousand dollars, to be divided into shares of ten dollars each, to be paid in five equal monthly instalments.

Powers, &c.

"§ 3. The said company shall have power and authority to invest its capital stock, or other funds in bank, or other stocks, in the purchase of bonds, issued by this or any other state, or any township, or incorporated town in the county of Loudoun, bonds of the United States, or of any incorporated company; to lend money upon personal or real security; to discount bonds, notes, and bills of exchange, and to receive the interest in advance, and to guarantee the payment of notes, bonds, bills of exchange, or other evidences of debt."

Commence-
ment

2. This act shall be in force from its passage, and be subject to amendments, alterations, and modifications, at the pleasure of the general assembly.

CHAP. 311.—An ACT for the Relief of the late Sheriffs of the Commonwealth.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the late sheriffs of the counties of this state, or their deputies, be and they are hereby authorized to receive and collect all taxes, fee bills, and county levies which were due in the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, and are still unpaid; and they shall hereby possess the same legal right in the collection of the same they had or possessed at the periods hereinbefore mentioned. Said right shall continue for two years from the passage of this act: provided, that no sheriff shall be entitled to the benefit of this act who has not fully paid and discharged all accounts and liabilities charged against him upon the books of the auditor of this state: and provided further, that when a sheriff having such taxes, fee bills, and county levies due him, shall have departed this life, it shall be lawful for his personal representative to place them in the hands of the sheriff, who shall collect the same according to the provisions of this act: provided, that this act shall not create any lien upon the real estate of the tax-payer for the taxes hereby authorized to be collected, nor shall the personal estate of the person in possession of such land, other than the tax-payer, be liable for the tax on said land.

For relief of late sheriffs; what they may do

Proviso

2. This act shall be in force from its passage.

Commencement

CHAP. 312.—An ACT Declaring New River, in the County of Wythe, a Lawful Fence from Andrew S. Fulton's Ferry to the Ferry of Samuel J. Williams.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the bed of New river be and the same is hereby declared to be a lawful fence from Andrew S. Fulton's ferry, in the county of Wythe, to the ferry of Samuel J. Williams, in the said county.

New river a lawful fence; how far

2. This act shall be in force from its passage.

Commencement

CHAP. 313.—An ACT to Extend the Time for Giving the Notice of Contest to the Officers Elect in Leigh Township, in the county of Amelia.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the time of giving the notice of contest to the officers elect in Leigh township, Amelia county, be and the same is hereby extended to the seventeenth day of July, eighteen hundred and seventy.

Certain election contest in Amelia; time of extended

2. This act shall be in force from and after its passage.

Commencement

CHAP. 314.—An ACT to Amend the Second Section of an Act entitled an Act to Authorize the Richmond and Danville Railroad Company to Lease, Hold, and Operate the Piedmont Railroad, passed February the 15th, 1866.

Approved July 11, 1870.

Act authorizing
Richmond and
Danville rail-
road company
to lease, &c.,
Piedmont rail-
road, amended

1. Be it enacted by the general assembly, That the second section of the act entitled an act to authorize the Richmond and Danville railroad company to lease, hold, and operate the Piedmont railroad, passed the fifteenth day of February, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows :

§ 2

“ § 2. The said Richmond and Danville railroad company are also hereby authorized to make, in like manner, such contract as is mentioned in the preceding section, or any other contract that it may deem judicious in promoting a connection business with any part of its own or of the said Piedmont railroad line with the Richmond and York river railroad company, or any other railroad or transportation company, and to provide, by loans or otherwise, for carrying out such contract or contracts as may be made by authority of this act : provided, nothing in this act shall be construed as authorizing the said Richmond and Danville railroad company to sell, lease, or dispose of the franchises or rights of said company.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 315.—An ACT Incorporating the Appomattox, Campbell, and Pittsylvania Railroad Company.

Approved July 11, 1870.

Appomattox,
Campbell, and
Pittsylvania
Railroad Com-
pany, incorpo-
rated
Commissioners

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription in Appomattox county, under the direction of Lewis D. Isbell and Robert B. Poore; in the county of Campbell, under the direction of John Wimbish, John D. Alexander, Addison Moe, and William P. Graham, or any two of them; and in the county of Pittsylvania, under the direction of Walter Coles, Jr., Charles E. Dabney, James B. Pannill, and M. M. Millner, or any two of them, for the purpose of receiving subscriptions to an amount not exceeding four millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock for constructing a railroad from Pamplin's depot, on the Southside railroad, in Appomattox county, by Pannill's old bridge, in the county of Campbell, to some point in the county of Pittsylvania or Henry, on the North Carolina line, near the town of Leaks-ville, in Rockingham county, North Carolina.

Capital and
shares

When company
to begin

2. Be it further enacted, That whenever two hundred thousand dollars of the amount aforesaid shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and they are hereby declared and constituted a body politic and corporate, under the name and style of The Appo-

mattox, Campbell, and Pittsylvania Railroad Company, and shall be entitled to all the privileges conferred and subject to all the restrictions and regulations imposed by the Code of Virginia, and acts of the general assembly amendatory thereof, so far as the same are applicable to and not inconsistent with this act: provided, that the road shall be commenced within three years from the passage of this act.

Privileges, restrictions, &c.

3. This act shall be in force from its passage.

Commencement

CHAP. 316.—An ACT for the Relief of the Sureties of James C. Robertson, late Sheriff of Page county.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That authority is hereby given to the auditor of public accounts to suspend the collection of a judgment, in the name of the commonwealth, against James C. Robertson, late sheriff of Page county, and Reuben Ruffner, George W. Sedwick, Turner E. Jett, P. B. Borst, John R. Almond, and John H. Keyser, his sureties, for a period not exceeding twelve months: provided, that he is satisfied that the same is sufficiently secured by judgment liens.

Relief of sureties of James C. Robertson, late sheriff of Page

2. The auditor of public accounts is authorized and hereby required, upon a settlement of the aforesaid judgment, to receive in discharge of the said judgment, as to the said sureties, payment of principal, legal interest, costs, and expenses of collecting, abating therefrom, as to the said sureties, the damages which have been awarded for said default; and it is hereby expressly provided that this act shall not be construed as relieving the said sheriff from the payment of any costs or damages incurred by said default.

Damages abated

3. This act shall be in force from its passage.

Commencement

CHAP. 317.—An ACT Declaring the Shenandoah river a Lawful Fence, &c., in the county of Warren.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the Shenandoah river, beginning at the boundary line of Page and Warren counties, and extending thence to the boundary line of Warren and Clarke counties, be and the same is hereby declared a lawful fence.

Shenandoah river lawful fence in Warren

2. In case of any trespass of any horse, mule, swine, sheep, goat, or neat cattle of any description, on lands lying along said river in said county of Warren, the party aggrieved may make complaint to a justice of the county, who shall issue his warrant immediately to a constable, or other person specially deputised, returnable within five days from date thereof, be-

Proceedings in case of trespass of animals

Proviso

fore him or other justice, and at the time and place named in said warrant the case will be tried; and the amount of damages sustained by the complainant shall be ascertained, and judgment given for the same, with legal costs, as in case of other warrants; and for every succeeding trespass by the stock of the same party on the land of the same complainant, judgment shall be given for double the amount of damage sustained by the plaintiff: provided, that when the judgment of the justice shall be for a sum exceeding twenty dollars, the defendant, upon appeal to the county court, shall be entitled to demand a trial by jury in said court, and the judgment of the said court upon the appeal shall be according to such verdict, subject to the right of said court to set the verdict aside, according to the rules of law.

Lien upon trespassing animals

3. A lien upon the trespassing animals for the payment of the damages, with costs, thus ascertained, shall attach from the date of the warrant, and shall supersede all other liens, except when this commonwealth or the United States have a previous claim for public dues upon said animals.

Where damage exceeds \$20

4. Nothing in this act shall deprive the injured party of his action of trespass when the damages are laid in a sum exceeding the jurisdiction of a justice of the peace.

Commencement

5. This act shall be in force from its passage.

CHAP. 818.—An ACT to Incorporate the Harrisonburg and Covington Railroad Company.

Approved July 11, 1870.

Harrisonburg and Covington Railroad Company

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Harrisonburg and Covington Railroad Company, for the purpose of constructing a railroad from, at, or near the town of Harrisonburg, to, at, or near the town of Covington, in Virginia.

Commissioners to receive subscriptions

2. Be it further enacted, That the following persons are appointed commissioners to open books and receive subscriptions to the capital stock of said company, namely: Samuel Shacklett, A. M. Newman, Jonas Loewenback, J. L. Sibert, and Robert Johnston, at Harrisonburg; H. Kyle. George W. Berlin, St. Clair Kyle, E. J. Armstrong, and Peter Wise, at Bridge-water; Chisley Kenney, J. Marshall McCue, Thomas Hogshhead, and John J. Cupp, at Augusta Springs; Robert J. Glendy and Albert Fancett, at Cloverdale; Joseph Baxter, Alexander H. Sitlington, and Addison McClung, at Bath Alum Springs; John R. Popham, William H. Terrell, Joseph Mayse, Charles R. McDonnald, and Jasper Lewis, at Warm Springs; Alexander McCurdy, Thompson McAllister, Orville T. Rogers, H. H. Robertson, and William Skeen, at Covington.

How they may act

3. Be it further enacted, That a majority of the commissioners appointed at each place, respectively, may act as if none others were named. The commissioners (or a majority of them)

appointed for Harrisonburg and Covington are further authorized, either in person or by agent or agents, to open books and receive subscriptions, to be made by individuals or corporations, at any place or places in or out of this state; and subscriptions to the said capital stock by any other railroad companies, within or without this state, are hereby authorized and allowed to be made and received in the discretion of said Harrisonburg and Covington commissioners.

4. Be it further enacted, That the capital stock of said company shall not be less than one hundred thousand dollars, and not more than six millions dollars, to be divided into shares of one hundred dollars each. Whenever the said first mentioned amount shall be subscribed, and ten thousand dollars paid up, the subscribers shall be incorporated by the name and for the purposes mentioned in the first section of this act, and have full power and authority to effect the same, subject to the provisions of the Code of Virginia applicable to such corporations.

5. The company may acquire land in subscription and payment of stock by donation or otherwise, and may sell, lease, or otherwise dispose of the same at their pleasure; or borrow such sums of money, and at such rate of interest, not exceeding the rate allowed by law, as it may deem necessary and proper, and may execute liens upon its property, franchises, and revenues to secure payment of principal and interest of such loans; or if the company finds it necessary for the construction, transportation, and business of its road, they may contract with any other railroad company for the construction, equipment, and working of their road upon such terms as may be agreed upon between the companies.

6. This act shall take effect from its passage, and the company shall, within two years thereafter, begin, and within six years thereafter, complete their said road.

CHAP. 819.—An ACT to Incorporate the Richmond Bank-Note Engraving and Chromo-Lithographing Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That Charles L. Ludwig, A. G. Babcock, James A. Scott, P. J. Wright, John C. Davis, Isaac Davenport, Jr., Charles E. Wortham, together with such other persons as may hereafter be associated with them, shall be and they are hereby incorporated and made a body politic and corporate, by the name and style of The Richmond Bank-Note Engraving and Chromo-Lithographing Company, for the purpose of engraving, lithographing, and such other mechanical or other operations or pursuits that they find it necessary or profitable to engage in; and for this reason, they are hereby invested with all the rights, powers, and privileges conferred, and made subject to all the rules and regulations for the proper organization and government of corporations, prescribed by the Code of Vir-

	ginia, and any law amendatory thereof, except so far as the same may be inconsistent with this act.
Capital, &c.	2. The capital stock of said company shall not be less than thirty thousand dollars nor more than one hundred and fifty thousand dollars.
Business and corporate powers	3. The said company shall have power to engage in engraving and chromo-lithographing, and such mechanical or other pursuits, business, trade, or occupation, as may be deemed by them profitable or useful; shall have power to execute negotiable notes or other commercial paper; to borrow money; to hold real estate not exceeding one hundred acres; and the whole subscribed stock of the company, and all property owned and held by it, shall be assets subject to the payment of its debts, and no stockholder shall be liable therefor beyond the amount of stock subscribed for or actually paid in by him.
Commencement	4. This act shall be in force from its passage, and subject to amendment, modification, or repeal, at the pleasure of the general assembly.

CHAP. 320.—An ACT to Amend and Re-enact an Act entitled an Act to Incorporate the Virginia Historical and Philosophical Society, passed March 10, 1834.

Approved July 11, 1870.

Charter of Virginia Historical and Philosophical Society amended	1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the Virginia Historical and Philosophical Society, passed March the tenth, eighteen hundred and thirty-four, be amended and re-enacted so as to read as follows:
Preamble	"Whereas, sundry citizens of this commonwealth have formed themselves into a society by the name and title of the Virginia Historical Society, the objects of which are to discover, procure, and preserve whatever may relate to the civil and literary history and antiquities of this state; and whereas, it is represented to the general assembly that the members of the said society are desirous of obtaining a charter of incorporation:
Style of society	"§ 1. Be it therefore enacted by the general assembly, That the members of the aforesaid society, together with such others as they shall hereafter associate with them, and their successors, are hereby constituted, ordained, and created a body corporate and politic by the name of The Virginia Historical Society, and by that name shall have perpetual succession, and shall be and are hereby made able and capable in law, as a body corporate, to have, hold, and enjoy goods, chattels, lands, and tenements, and the same, at all times, may dispose of, in their discretion.
Corporate powers	"The said society may have a common seal, may sue and be sued, plead and be impleaded, and may do, act, and transact all matters and things whatsoever, proper for bodies corporate to do, act, and transact; and may establish and enact such a constitution and such by-laws, rules, and regulations as

shall be deemed necessary and expedient, and which shall not be repugnant to the laws of this state or of the United States.

“§ 2. Be it further enacted, That the said corporation be further authorized and empowered to elect and qualify such officers as may by them be deemed necessary, to be chosen at such time, and to hold their offices for such period, as the constitution of said corporation shall prescribe; and to appoint and hold such meetings as shall be thought proper.

Officers, &c.

“§ 3. This act shall be in force from its passage.”

Commence-
ment

CHAP. 321.—An ACT to Incorporate the Augusta Fire Company of the Town of Staunton.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That James H. Waters, John M. Hardy, John B. Scherer, Jr., Philip H. Trout, Benjamin Fifer, Pat. C. Toole, and M. O'Brien, be and they are hereby incorporated and made a body corporate and politic, under the name and style of The Augusta Fire Company, with full power to perform all duties usually devolved upon fire companies; to meet at such times as may be agreed upon, and on all occasions aid in arresting and extinguishing fires in the town and suburbs of Staunton; and shall by that name and style have succession, and may sue and be sued, plead and be impleaded.

Augusta Fire
Company incor-
porated

2. That the said company may organize, from their own number, a hook and ladder corps; and to make the whole body efficient, they may have not exceeding one hundred and twenty-five members, who shall be entitled to all the privileges and exemptions provided by law in regard to fire companies.

Number of
members

3. It shall be competent for the aforesaid persons to call a meeting of those who now are or who may desire to become members; such meeting to be held in Staunton, after two weeks' publication of notice through one of the papers of the town.

Meeting

4. The company shall elect from among themselves, such officers as they may deem necessary, under rules and regulations to be adopted; the said officers to hold their respective positions for a period of one year from the time of their election, and until their successors respectively qualify.

Officers, rules,
&c.

5. The company, if necessary for its purposes, may purchase or lease real estate in the town of Staunton, and erect thereon suitable buildings for their places of meeting and protection of their apparatus; and also may purchase and hold all needful engines and apparatus and furniture, and may establish, by purchase and donation, a library of books and periodicals for the use of their members.

Real estate and
buildings

6. They shall adopt for their government, by-laws not inconsistent with the laws of the state; may impose fines and pen-

By-laws

alties on the members, and recover the same by levy or distress, through an officer who may be appointed for that purpose.

Commence-
ment

7. This act shall be in force from its passage, subject to alteration, amendment, by and at the pleasure of the general assembly.

CHAP. 322.—An ACT to Incorporate the New River White Sulphur Springs Company.

Approved July 11, 1870.

New River
White Sulphur
Springs Turn-
pike Company
Incorporated

Capital
Commissioners
to open books

When corpora-
tion to begin

Style of com-
pany

Meeting of
stockholders,
&c.

1. Be it enacted by the general assembly, That for the purpose of constructing a turnpike road from the New River White Sulphur Springs, in the county of Giles, to a point on the Virginia and Tennessee railroad, at or near New river railroad bridge, in the county of Pulaski, the particular location between the points named to be selected by the company hereinafter incorporated, it shall be lawful to open books for receiving subscriptions to the amount of three thousand dollars of capital stock, divided into shares of ten dollars each. The said books shall be opened at the New River White Sulphur Springs, under the direction of William Eggleston, John Tyer, Joseph H. Hoge, John C. Snidow, and Wm. H. H. Brown, or any three of them; and at New river bridge, on the Virginia and Tennessee railroad, under the direction of Gabriel C. Wharton, James H. Tyler, Ryland R. Weisiger, John Sifford, and Joseph L. Loyd, or any three of them; and at such other places, and under the direction of such commissioners, as a majority of the above named commissioners may appoint; and it shall be lawful for said commissioners to receive subscriptions, payable in labor to be done on said road, or any article of trade, merchandise, or other property, common and saleable in the said counties, and at such price, and payable at such time as may be agreed upon at the time the subscription is made between the commissioners and the subscribers.

2. When five hundred dollars shall have been subscribed by good and solvent persons, the stockholders, their executors, administrators, and assigns, shall be and they are hereby incorporated into a company, by the name and style of The New River White Sulphur Springs Turnpike Company, subject to the provisions of chapter fifty-six of the Code of Virginia, where not inconsistent with the provisions of this act.

3. Be it further enacted, That so soon as one thousand dollars of the capital stock shall have been subscribed, it shall be lawful for the stockholders of said company, or a majority in value thereof, after twenty days' notice, posted at New River White Sulphur Springs and at New river bridge, to assemble at said New River White Sulphur Springs and elect three of their own body superintendents of the said road, whose duty it shall be to let to contract and superintend the construction and making of the same. The said company shall also be au-

thorized to elect such other officers and enact such by-laws as to them seems best for the management of their work.

4. The said company shall appoint a surveyor or engineer to survey, grade, and locate the said road—the grade not to exceed four degrees and the road to be not less than fifteen feet in width. Surveyor, &c.

5. The said company shall complete the construction of said road in three years from the passage of this act. Period within which to be completed

6. This act shall be in force from its passage. Commencement

CHAP. 323.—An ACT to Amend an Act to Incorporate the Leesburg and Point of Rocks Turnpike Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the act passed April fourth, eighteen hundred and sixty-one, entitled an act to incorporate the Leesburg and Point of Rocks Turnpike Company, be amended and re-enacted as follows: Charter of Leesburg and Point of Rocks Turnpike Company amended

“§ 2. That it shall be lawful to open books at the following places in the county of Loudoun, namely: at Leesburg, under the direction of Charles R. Paxon, B. F. Sheets, Henry T. Harrison, Charles P. Janney, and Wm. B. Lynch; at Goresville, under the direction of E. J. Cauffman, George M. Grayson, C. W. Paxon, John H. Whitmore, and Henry Hibler; at the furnace of the Potomac iron company, under the direction of J. F. Mason, Benj. Moffitt, John Williams, Richard Heater, and Daniel Shreeve, for receiving subscriptions to the amount of thirty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a turnpike road from Leesburg to the Southern end of the Potomac bridge, in the county of Loudoun: provided, that any two of the commissioners named at either place, shall constitute a quorum for said purpose. Commissioners to open books

“§ 3. That when two hundred shares, or ten thousand dollars, shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company by the name and style of The Leesburg and Point of Rocks Turnpike Company, subject to the provisions of the Code of Virginia, except as herein provided. When corporation to begin

“§ 4. That the said company shall have the privilege of making branch roads in any direction, not exceeding five miles in length, and for such purpose may increase its capital stock three thousand dollars per mile for each branch. Branch roads, &c.

“§ 5. That the road shall be graded eighteen feet wide, shall be well ditched outside of the road-bed, and shall be McAdamized, as hereinafter provided, sixteen feet wide; and that the bridges and culverts shall not be less than fourteen feet wide. Grade of road, &c.

“§ 6. That the distance from Leesburg to the Limestone run shall be the first section; from Limestone run to Luckett's Cross-roads, the second section; and from Luckett's Cross-

Subscriptions; to what sections designated	roads to the Potomac bridge, the third section; and that any branch road shall be a section, subject to all laws regulating turnpikes.
Proviso	"§ 7. That the subscribers may designate at the time of subscription, to which section their subscription shall be applied, and that no portion of the subscription so made shall be applied, beyond two dollars payable at the time of subscription, to any portion of the road but the one to which the subscription shall be made: provided, that the two dollars instalment may be applied to the surveys and other general expenses of the road without regard to the sections subscribed for.
Directors	"§ 8. That the directors shall be so arranged as to represent all sections of the road that may be represented by subscriptions at the time of the organization of the company, or at any annual meeting of the company; and in case of death, resignation, or other incapacity of a director, the board of directors may supply the vacancy until the next general meeting of the company; and it shall be lawful to charge tolls on each section in the proportion that the length of that section shall bear to five miles.
County sub- scription	"§ 9. That the county courts (or board of supervisors, or other body or authority as may be provided by general law,) may subscribe one-third to the capital stock of said company in the mode now or hereafter to be prescribed by law: provided, that no bonds issued by the county shall be paid to said company at a faster rate than the private subscriptions shall be paid in.
Proviso	"§ 10. This act shall be in force from its passage."
Commence- ment	

CHAP. 824.—An ACT to Incorporate the Wytheville Savings Bank.

Approved July 11, 1870.

The Wytheville Savings Bank incorporated	1. Be it enacted by the general assembly of Virginia, That James Kyle, William Gibbony, David Graham, Stephen McGavock, Robert Raper, Augustus Henser, Thomas J. Boyd, William H. Bolling, and Joseph F. Kent, together with such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Wytheville Savings Bank, and by said name and style are hereby invested with all the rights, powers, and privileges conferred, and made subject to all the rules, regulations, and restrictions imposed by the Code of Virginia, applicable to savings banks, and not inconsistent with the provisions of this act.
Capital, &c.	2. The capital stock of said savings bank shall not be less than fifty thousand dollars, which may be increased from time to time to a sum not exceeding five hundred thousand dollars, in shares of ten dollars each.
Business	3. Said savings bank shall have power and authority to invest its capital stock or other funds in bank or other stock; in the purchase of bonds issued by this or any other state of the

United States, or bonds of any incorporated company; to lend money upon personal or real security; to discount bonds, notes, and bills of exchange, and receive the interest in advance; and to guarantee the payment of notes, bills of exchange, drafts, or other evidences of debt: provided, that nothing in this act contained shall be construed to authorize said corporation to take or charge, for the loan or forbearance of money or other thing, more than the legal rate of interest; and provided further, that said corporation shall be subject to the provisions of the law relating to banks of deposit.

4. This act shall be in force from its passage, and be subject to amendment, alteration, or modification, at the pleasure of the general assembly. Commence-
ment

CHAP. 325.—An ACT in Relation to the Establishment, in the State of Virginia, of a Branch of the National Asylum for Disabled Volunteer Soldiers, and to Cede Jurisdiction to the United States over a Tract of Land in the State of Virginia, not exceeding Five Hundred Acres, for that purpose.

Approved July 11, 1870.

Whereas, the board of managers of the National asylum for disabled soldiers look with favor upon the state of Virginia as possessing such advantages of climate and easy access as render it desirable to locate within her borders a branch asylum; and whereas, the necessary expenditures for buildings and other improvements can be made by said board of managers only upon property under the control of the national government: therefore, Preamble

1. Be it enacted by the general assembly, That the consent of the legislature of this state is hereby given to the board of managers of the National asylum for disabled volunteer soldiers, to locate a branch of that establishment in the state of Virginia; and such jurisdiction is hereby ceded to the United States over a tract of land, not exceeding five hundred acres, to be selected by the board of managers, for the purpose of locating thereon such branch asylum, a full description of which tract shall be filed in the office of the secretary of the commonwealth, as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States. But this cession is made subject to the following terms and conditions: Giving United States Jurisdiction over tract of land for national asylum

First—That the state retains concurrent jurisdiction with the United States over the same piece or parcel of land, so that the courts, magistrates, and officers of this state, may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given. Conditions

Second—That if said branch asylum be not erected on said land within five years from the passage of this act, or though it should be erected within that time, if, by reason of its falling into decay, or otherwise, there should be a failure to use

Proviso

it for that purpose for five years, then the consent hereby given shall cease and determine: provided, however, that no inmate of any institution erected in this commonwealth, under the provisions of this act or of the act of congress therein referred to, shall vote or hold office within this state.

Commencement

2. This act shall be in force from its passage.

CHAP. 326.—An ACT for the Relief of P. G. Hale and others, Sureties for Dennis Fielder, late Sheriff of Grayson county.

Approved July 11, 1870.

Preamble

Whereas, on the fourteenth day of June, eighteen hundred and sixty, a judgment was entered in the circuit court of the city of Richmond, in favor of the commonwealth against Andrew Vaughan, P. G. Hale, Wm. B. Bowen, and John C. Herrington, sureties of Dennis Fielder, late sheriff of Grayson county, for the sum of five thousand one hundred and four dollars and fifty cents, the land, property, and September license taxes of eighteen hundred and fifty-seven, due from the said Dennis Fielder, late sheriff of Grayson county, with interest thereon, to be computed after the rate of ten per centum per annum from the twentieth day of November, eighteen hundred and fifty-seven, till payment, and seven hundred and sixty-five dollars and sixty-eight cents for damages thereon according to law, and the costs of said motion; and whereas, on the same day, in the said court, another judgment was entered in favor of the commonwealth against the same parties for the sum of eight hundred and seventy-nine dollars and six cents, the capitation taxes of eighteen hundred and fifty-seven, due from the said Dennis Fielder, late sheriff of Grayson county, with interest thereon, to be computed at the rate of ten per centum per annum from the twentieth day of November, eighteen hundred and fifty-seven, till payment, and one hundred and thirty-one dollars and eighty-five cents for damages thereon, according to law, also the costs of said motion; and whereas, it is established by conclusive proof that the bond on which the said judgments were founded, purporting to have been executed by the said parties as the securities of the said Dennis Fielder, sheriff as aforesaid, before the county court of Grayson county, was written by Wm. R. Dickey, clerk of said court, in the absence and without the knowledge or authority of said parties; and whereas, the words "signed, sealed, and acknowledged in presence of the court: teste—William R. Dickey, C. C.," appearing at the foot of said bond, were falsely written, as the said bond was not signed, sealed, and acknowledged by the said parties in the presence of the court; and the entry on the minutes of said court at its August term, eighteen hundred and fifty-seven, in the words following, to wit: "Pursuant to an order made at the July term of the Grayson county court, requiring Dennis Fielder to execute a new bond, with good and sufficient security, as high sheriff of

Grayson county, the said Dennis Fielder this day appeared in court and executed and acknowledged such new bond, and the security thereto being considered sufficient by the court, the same is ordered to be certified as the law directs," was falsely made and entered; and whereas, the said parties never having executed, acknowledged, or ratified the said bond, the same was false and fraudulent as to them, and the judgments against them, founded thereon, are unjust and oppressive, and they should be released therefrom: therefore,

1. Be it enacted by the general assembly, That the said judgments, one for the sum of five thousand one hundred and four dollars and fifty-four cents, with interest thereon to be computed at the rate of ten per centum per annum, from the twentieth day of November, eighteen hundred and fifty-seven, till payment, and seven hundred and sixty-five dollars and sixty-eight cents for damages thereon according to law, and the costs of the motion, and the other for eight hundred and seventy-nine dollars and six cents, with interest thereon, to be computed at the rate of ten per centum per annum, from the twentieth day of November, eighteen hundred and fifty-seven, till payment, and one hundred and thirty-one dollars and eighty-five cents for damages thereon according to law, and the costs of the motion, obtained by the commonwealth against the said Andrew Vaughan, P. G. Hale, Wm. B. Bowen, and John C. Herrington, be and the same are hereby released and discharged as against the said parties: provided, that nothing herein contained shall be construed to release or discharge the sureties of said Dennis Fielder in any other official bond or the said Wm. R. Dickey or any of the justices of the county court of Grayson, from any liability they may be under to the commonwealth by reason of their failure to take a proper bond from the said Dennis Fielder, sheriff of the county of Grayson.

Certain judgments released as sureties of Dennis Fielder

Proviso

Commencement

2. This act shall be in force from its passage.

CHAP. 327.—An ACT to Amend the Charter of the Richmond and Lynchburg Railroad Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the act to incorporate the Richmond and Lynchburg railroad company, passed March thirtieth, eighteen hundred and sixty, as amended by the act passed February fifteenth, eighteen hundred and sixty-seven, chapter one hundred and ninety, be amended and re-enacted so as to read as follows:

Charter of Richmond and Lynchburg railroad amended

"§ 1. It shall be lawful for Thomas W. McCance, James Lyons, Franklin Stearns, Joseph R. Anderson, David J. Burr, H. C. Cabell, W. G. Paine, Isaac Davenport, Jr., William B. Isaacs, Parker Campbell, John D. Harvey, Willis J. Dance, William P. Burwell, W. A. Perkins, Thomas L. Robinson, Thomas L. Bondurant, William Hocker, W. H. Perkins, George

Commissioners to receive subscriptions

D. Saunders, Wilson Hicks, Lloyd J. Beall, Peyton Wise, John Meredith, George Baughman, Robert F. Williams, John F. Lay, Francis D. Irving, Robert Hubbard, William M. Perkins, and L. D. Isbell, or any five of them, to receive subscriptions to the capital stock of the Richmond and Lynchburg railroad company, and to superintend the organization of said company. For this purpose they may cause books of subscription to be opened at such times and places as they may deem proper, and under the superintendence of such persons as they may appoint. The subscriptions shall be in shares of one hundred dollars each, and when one thousand shares, at the least, shall have been subscribed, by persons and corporations able to pay, other than internal improvement companies, the subscribers, and such persons as may thereafter be lawfully associated with them, shall be a corporation under the name of the Richmond and Lynchburg railroad company, for the purpose of constructing and operating a railroad from the city of Richmond, or some point on the Richmond and Danville railroad, to the city of Lynchburg, where it may form a junction with any railroad passing through or terminating in the city of Lynchburg. And the said company shall be subject to the general railroad laws of Virginia, except so far as is herein otherwise provided.

Capital, &c.

"§ 2. The capital stock of said company shall be not less than one hundred thousand nor more than five million dollars, divided in shares of one hundred dollars each, and the stockholders shall have one vote for each share of stock.

Subscriptions
from Richmond
and Lynchburg,
and counties,
&c.

"§ 3. It shall be lawful for the cities of Richmond and Lynchburg, and for any county or township on the line of the proposed railroad, or on the line of the Chesapeake and Ohio railroad, or on the line of the Virginia and Tennessee railroad, to subscribe to the capital stock of the Richmond and Lynchburg railroad company in such manner and under such rules and regulations as are now or may hereafter be prescribed by law; and to this end, the proper authorities of such city, county, or township may, at their discretion, cause a vote to be taken at such time as the said Richmond and Lynchburg railroad company may ask.

Company may
borrow money

"§ 4. It shall be lawful for the said company to borrow money, and to issue bonds or other evidences of debt, at a rate of interest not exceeding the maximum allowed by law, and to secure the payment of principal and interest by mortgage or otherwise.

No discrimina-
tion in charges
against other
companies

"§ 5. No discrimination whatever shall be made by the said company in its charges against any connecting railroad or canal company in which the state has an interest, and the right is reserved to the state to connect, at any point with said railroad, any railroad or canal in which the state has an interest.

May acquire
land, &c.

"§ 6. It shall be lawful for the said company to acquire land in payment of subscriptions to stock, or by donation, or by purchase: provided, that it shall not be lawful for the said company to hold, at the expiration of ten years after the completion of their road, more land than shall be necessary for the uses of the road.

"§ 7. Any mining, manufacturing, or banking company, may subscribe to the stock or guarantee the bonds of the said company. What companies may subscribe

"§ 8. The construction of the said Richmond and Lynchburg railroad shall be commenced within three years, and the same shall be completed within six years from the passage of this act. Within what time work to be commenced and finished

"§ 9. This act shall be in force from its passage.

Commencement

CHAP. 828.—An ACT to Legalize the Toll Bridge built by William T. Hardy and Leslie T. Hardy across James River between the Towns of Buchanan and Pattonsburg, and to Prescribe the Tolls thereon.

Approved July 11, 1870.

Whereas, the toll bridge known as The Buchanan and Pattonsburg Toll Bridge, across James river between the towns of Buchanan and Pattonsburg, was burned by the Confederate forces under General McCausland in June, eighteen hundred and sixty-four; and whereas, William T. Hardy and Leslie T. Hardy have, since said burning, become the owners of the site, abutments, and franchise of said toll bridge, formerly the property of Cartmire and Wood, and being such owners, have gone on to rebuild said bridge, completing the same on the twenty-seventh day of November, eighteen hundred and sixty-seven; but in the construction thereof departing from the original charter passed February seventeenth, eighteen hundred and nineteen, in this, to wit: that the bridge, as rebuilt, is an arched and covered structure, about sixteen feet wide, and having foot-ways slightly raised from the main floor: therefore,

Preamble

1. Be it enacted by the general assembly of Virginia, That the toll bridge, so rebuilt by the said William T. Hardy and Leslie T. Hardy, be and is hereby declared a lawful bridge in place of the bridge so burned as aforesaid, and the said William T. Hardy and Leslie T. Hardy, their heirs and assigns, are hereby invested with all the rights, privileges, and immunities conferred by law on the owners and keepers of toll bridges. Bridge declared lawful

2. It shall be lawful for the said William T. Hardy and Leslie T. Hardy, their heirs and assigns, to demand and receive for crossing said bridge, the following tolls or rates; that is to say: for a man, horse, mule, or work-ox, five cents; for all riding carriages, wagons, and carts, six and one-fourth cents per wheel; for every head of neat cattle, two cents; and for every hog, sheep, goat, or lamb, one cent. Tolls

3. This act shall be in force from its passage, and shall be subject to alteration, amendment, modification, or repeal, at the pleasure of the general assembly. Commencement

CHAP. 329.—AN ACT to Incorporate the Town of West Point, in King William County.

Approved July 11, 1870.

Town of West
Point incorpo-
rated

1. Be it enacted by the general assembly, That the town of West Point, in King William county, as the same has been heretofore laid off into lots, streets, and alleys, shall be and the same is hereby made a town corporate, by the name and style of The Town of West Point, and by that name shall have and exercise the powers conferred upon towns by, and be subject to the provisions of the fifty-fourth chapter of the Code of Virginia, and all laws now in force, or that may be hereafter enacted, applicable to towns of less than five thousand inhabitants.

Boundaries

2. The boundary of said town shall be as follows: Beginning at the confluence of the Mattaponi and the Pamunkey rivers; thence up the Pamunkey river, with the meanderings thereof, to the line dividing the West Point estate from the land belonging to the West Point land company; then along said line to the Mattaponi river; then down the Mattaponi river, with the meanderings thereof, to the place of beginning.

Officers

3. The officers of said town shall consist of one mayor, and five other citizens, who shall compose the council of said town, and a sergeant, who shall be elected by the said council, and who shall hold their offices for two years, and until their successors are elected or appointed. The said council shall have power to pass all by-laws and ordinances for the government of said town that they may deem proper, (not in conflict with the constitution of the state or of the United States,) and also to provide for keeping the streets in order and paving the same, and for other necessary improvements, for which purpose they may levy such tax as they may deem proper, not exceeding fifty cents on the hundred dollars. At all meetings of said council the mayor shall preside, if present.

Powers of coun-
cil

Sergeant

4. The sergeant of said town shall be a conservator of the peace, and be invested with the full powers of a constable within the limits of said town; also, have the power to arrest offenders within one mile of said limits for offences committed within the limits of said town. He shall collect the town taxes, and may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and shall have, in other respects, like powers to force the collection thereof.

Time of hold-
ing election

5. The time for holding an election for said officers, agreeably to this charter, shall be the first Saturday in September, eighteen hundred and seventy, reasonable notice being given of the place of voting within said town; and once in every two years thereafter, an election shall be held for said officers on the same day in September.

Commissioners

6. James F. New, Bolivar Stark, Wm. E. Hart, Thomas L. Davis, and David S. Treat, or any three of them, are appointed commissioners to supervise and hold the election for mayor and council of said town of West Point, at the first election provided for in this act.

Commence-
ment

7. This act shall be in force from its passage.

CHAP. 330.—An ACT to Define the Limits of the Lower Parish of Nansemond County, with Reference to the Poor of that Parish, and to authorize the Judge of the County Court of that County to Appoint Trustees to Manage and Disburse Certain Donations made for the Benefit of the Poor of that Parish.

Approved July 11, 1870.

Whereas, by an act of the general assembly of Virginia, Preamble passed the twelfth day of December, seventeen hundred and ninety-one, certain donations which had been made for the benefit of the poor in Suffolk parish, as then known, were committed to the control and management of the overseers of the poor of said parish; and whereas, since then the said parish has been called and is now known as the lower parish of Nansemond county, and has, on the left side of Nansemond river, the creek and Murdaugh's ditch for its Southwestern boundary, and the Western branch of Nansemond river, on the left side of said river, as its boundary; and whereas, the recent change in the constitution of the state renders it proper for some other tribunal to hold and control said donations, which consists of lands, poor house, and chattel estate:

1. Be it therefore enacted by the general assembly of Virginia, That the county court of Nansemond shall annually, in the month of August, or as soon thereafter as practicable, appoint four discreet freeholders, two of whom shall reside on each side of Nansemond river, who shall be known by the name of the trustees for the poor in the said parish of Nansemond county; and by that name may contract, and sue and be sued; and who shall take charge of the lands and other estate of said parish, included in said donations, and may rent or lease out said lands, appoint treasurer and other proper agents to manage the same, and take care of and superintend the poor house, and to collect all rents and expend the same for the benefit of the poor in said parish. Trustees for poor of Lower parish of Nansemond

2. The said board of trustees may contract with the overseers of the poor of any of the townships recently laid off in said county, to board and take care of the poor, on such terms as they may agree on. Their powers

3. The powers conferred by this act on said board of trustees shall in no wise affect the powers and duties of the overseers of the poor in said territory, under existing laws, as to the laying and collecting of such poor rates as may, in addition to said fund, be necessary to take care of the poor in said parish. Not to affect powers of overseers of poor

4. The said trustees may require proper bond of their treasurer or other agents as they may think proper, and may make such rules and regulations for their governance not inconsistent with law. Treasurer's bond

5. The said trustees shall annually, in the month of January, or as soon thereafter as practicable, render an account of their transactions, for the year ending first January, to the county court of Nansemond county, who shall examine the same and order the same to be filed in the clerk's office, and may hear any complaints against said trustees or any of said Trustees' annual account

Their oath	officers from any source, and for good cause may remove said trustees, or any of them, and appoint others in their place.
Term of office	6. The said trustees, when appointed, shall take and subscribe the oaths now required by law of county officers, which shall be filed among the records of the county court of said county, and a copy recorded in the books of said trustees.
Inventory	7. The said trustees shall remain in office till their successors are appointed and qualified.
Commence- ment	8. The said trustees shall make out an inventory of all the lands and other estate under their control, giving quantity and boundaries of the lands, and a general description of improvements on the same, and estimated value, fee simple and annual, and return it, under their signatures, to the county court of Nansemond county, to be filed among the records of said county, and a new inventory shall, in like manner, be returned every three years.
	9. This act shall be in force from and after its passage.

CHAP. 881.—An ACT to Incorporate the St. John's Roman Catholic College, in the City of Norfolk.

Approved July 11, 1870.

St. John's Roman Catholic College incorporated

1. Be it enacted by the general assembly, That John McGill, James Gibbons, Mathew O'Keefe, Thomas Mulvey, and John Doherty, and others, their associates and successors, be and they are hereby constituted, as trustees, a body politic and corporate by the name and style of The St. John's Roman Catholic College, for the purpose of maintaining in the city of Norfolk a college or institution of learning; that they shall have perpetual succession, and a common seal, which they may alter or renew at their pleasure, and may sue and be sued, plead and be impleaded; with power to purchase, receive and hold, to them and their successors forever, any estate, real or personal, which may be purchased by or devised or given to them for the use of the said college; and to lease, sell, rent, or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of the said college: provided, that not less than a majority of the trustees, for the time being, shall be sufficient to authorize the sale of any real estate belonging to the said college: provided, that the said college shall not take or hold, at any one time, more than ten acres of land in the said city of Norfolk, nor more than two hundred acres out of said city.

Officers, &c.

2. The said trustees and their successors shall have power to elect and employ a treasurer and such other officers and agents as they may deem proper; to elect and employ such president, professors, instructors and teachers as they may deem necessary to promote the welfare and prosperity of the said college; to make, ordain, establish and execute, from time to time, such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as they may deem necessary for the good government of the said college; and, generally

to do all acts necessary and proper for the interest and advantage of the said college. Three of the trustees shall constitute a board for the transaction of business; and the said trustees may at any time, if they shall think proper, enlarge their number to fifteen, by electing additional trustees, and also fill any vacancy which may occur in their body by death, resignation, removal, or other disability; they shall also have power, from time to time, to ordain, regulate, and establish the mode and course of instruction and education to be pursued in said college.

3. The president, professors, teachers, and instructors in said college, shall be styled the faculty of the St. John's Roman Catholic college, and are hereby empowered to enforce such rules and regulations as may be deemed expedient and adopted for the good government of the college, which are not inconsistent with the laws of this state. The said faculty are hereby authorized to confer such degrees as they may deem proper on such persons as may merit the same, in as ample a manner as any college in the commonwealth, and, under the common seal of the college, grant diplomas as testimonials thereof, signed by the said faculty.

4. The treasurer shall be elected for such term of office as the trustees may prescribe. He shall receive all moneys accruing to the said college and properly delivered to his care, and shall pay or deliver the same to the order of the board of trustees. Before entering upon the discharge of his duties, he shall give bond, with such security and in such penalty as the board may direct, made payable to the said corporation, and conditioned for the faithful performance of the duties of his office, under such rules and regulations as the board of trustees may adopt; and it shall be lawful for the said corporation to obtain a judgment for the amount thereof, or any special delinquency incurred by said treasurer, on motion or by suit, in any court of record in this commonwealth having jurisdiction, against the said treasurer and his securities, his or their personal representatives.

5. The stock of the said college shall be deemed personal estate, and as such shall pass to the personal representative or assignee of a stockholder.

6. This act shall be in force from its passage.

Commencement

CHAP. 332.—An ACT to Incorporate the Mount Pleasant Freestone Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That J. Newton Harper, M. D. Corse, Wm. J. Armstrong, J. D. Adams, Geo. W. Linville, B. F. Sceva, George C. Wedderburn, M. Eldridge, Riley A. Shinn, James L. Barbour, F. A. Reed, John P. Agnew, their associates and successors, be and they are hereby incorporated and made a body politic, by the

The Mount Pleasant Freestone Company incorporated

name and style of The Mount Pleasant Freestone Company, for the purpose of quarrying stone and slate, and manipulating marl in the counties of Fairfax, Prince William, King George, and Stafford. The principal office of the said company to be in the city of Alexandria.

Corporate powers

2. The said company, by its said corporate name, may sue and be sued in the courts of this commonwealth and elsewhere; shall have a common seal and perpetual succession; may ordain and establish such by-laws and regulations as may be necessary to promote the object and design of its incorporation, not inconsistent with the laws of this state or the United States, and may acquire, by lease or purchase within the said counties, real estate, not exceeding five thousand acres.

Other powers and privileges

3. In order to facilitate the transportation and shipment of their stone, slate, marl, and other property, the said company is authorized, within the said counties, to erect and maintain all necessary wharves, and construct and operate one or more tram roads, no one of which shall be located for more than three miles upon the land of others than the said company. The said company is hereby empowered to acquire, according to the provisions of chapter fifty-six of the Code of eighteen hundred and sixty, such land as may be necessary for the location, establishment, and use of their said wharves and tram roads.

4. The capital stock of the said company shall not be less than five thousand dollars nor more than two hundred and fifty thousand dollars, divided into shares of one hundred dollars each. The said capital shall be payable by each subscriber at such time or times, and in such proportion, as it may be called for by the president and directors. The property, funds, and assets of the said company shall alone be responsible for its debts, obligations, and liabilities.

May borrow money

5. That the said company are hereby authorized to borrow a sum of money, not to exceed twenty-five thousand dollars, at a rate of interest not to exceed twelve per centum, by the sale of their bonds, on their giving a mortgage or deed of trust on their land and fixtures, to secure the same.

Commencement

6. This act shall be in force from its passage, subject, however, to modification, amendment, or repeal, at the pleasure of the general assembly.

CHAP. 333.—An ACT to Change the Corporate Name and Amend the Charter of the Merchants and Mechanics Savings Bank of Richmond, Virginia.

Approved July 11, 1870.

Charter of Merchants' and Mechanics' Savings Bank of Richmond amended, and name changed

1. Be it enacted by the general assembly of Virginia, That the act passed the eighteenth day of February, eighteen hundred and sixty-seven, entitled an act to incorporate the Merchants and Mechanics Savings Bank of Richmond, Virginia, be and the same is hereby amended and re-enacted so as to read as follows :

"§ 1. Be it enacted by the general assembly of Virginia, That James H. Gardner, Bernard Becher, Wm. Ira Smith, M. L. Straus, William G. Paine, Michael Rosenbaum, John M. Goddin, Sigmund Hirsh, Phil. J. Wright, Julius Syces, Francis T. Isbell, Moses Millhiser, and William K. Watts, and such others as may associate with them under this act, be and they are hereby created and declared to be a body corporate and politic, by the name and style of The Merchants and Mechanics Banking and Insurance Company, and by that name may sue and be sued, plead and be impleaded, in all the courts of law and equity in this state or elsewhere, and have perpetual succession; to have, make, and use a common seal, and the same to break, alter, or renew at their pleasure; to ordain and publish such by-laws, ordinances, and regulations as they think proper and wise; and generally to do every act and thing necessary to carry into effect this act, or to promote the object and design of this corporation: provided, that such by-laws, ordinances, regulations, or acts, be not inconsistent with the laws of this state or of the United States.

"§ 2. To make insurance upon dwellings, houses, stores, and all other buildings, in town or country, and upon household furniture, libraries, merchandise, and other property, against loss or damage by fire; to cause themselves to be reinsured, when deemed expedient, against any risk or risks upon which they may have made or may make insurance; to grant annuities; to make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, profits, commissions, bank notes, and to make all and every insurance connected with marine risks and risks of transportation and navigation.

"§ 3. To receive money on deposit, and grant certificates therefor, in accordance with the conditions set forth in sections four and five, chapter fifty-nine, of the Code of Virginia; but in no case are such deposits, or the certificates therefor, to be held liable to make good any policy of insurance issued by this company, or any other contract made by it; to borrow money, and to execute notes for the same; and to guarantee the payment of money due upon bills of exchange, negotiable notes, bonds, or other written evidences of debt, and the performance of other written contracts: provided, however, that nothing contained in the foregoing section shall authorize said banking and insurance company to take for the loan or forbearance of money or other thing, more than the legal rate of interest.

"§ 4. The funds of the company, however derived, may be invested in or lent on any stock, bond, or real security, or be used in purchasing or discounting bonds, bills, notes, or other paper: provided, that the rate of interest shall be such as may be lawful at the time of such transaction; but the interest in any such transaction may be demanded and paid in advance; and the said company shall have power and authority to purchase, or otherwise lawfully acquire, and to have and to hold, and likewise to convey and to sell, any real and personal estate which may be necessary for conducting its business, and any

other real and personal estate necessary for the purpose of securing any debt or debts that may be due said company.

Capital

"§ 5. The capital stock of this company shall not be less than fifty thousand dollars, with authority to the said company to increase the same to an amount not exceeding five hundred thousand dollars. The capital stock shall be divided into shares of not less than twenty dollars nor more than one hundred dollars each, as the board of directors may prescribe, and shall be uniform in amount, and shall be payable by each subscriber at such time or times, and in such proportions, as it may be called for by the president and directors; and if any such subscribers shall fail to pay the same so called for upon each and every share so held, within twenty days after the same has been so called for, then the amount so called for may be recovered, by motion, upon twenty days' notice in writing, in any court of record in the city of Richmond, or place of residence of the holder of the stock, at the option of the said company.

Directors

"§ 6. The persons named in the first section of this act shall be the directors of this company, till others are appointed by the stockholders, and they may, as soon as proper, appoint a president from among their number, or from others who may hereafter be associated with them; and the said president shall continue in office until his successor is appointed; in case of a vacancy in the office of president or director, from any cause, the remaining directors may elect others to supply their places until a meeting of the stockholders shall be held. There shall not be less than thirteen nor more than twenty-five directors, who, with the president (who must also be a director), shall manage the affairs of the company. Five of said directors shall constitute a quorum for any and all business purposes of said company. The meetings of the stockholders shall be held in the city of Richmond, Virginia, and the business office of the company shall be in the said city.

Officers and agents

"§ 7. The president and directors shall appoint such subordinate officers and agents as they may find necessary properly to conduct the business of the company, and prescribe their compensation, all of which subordinate officers and agents shall hold their places during the pleasure of the said president and directors.

"§ 8. The president and directors shall have power to appoint agents in any part of the state or elsewhere, and at their discretion, may take from them bonds, with security, conditioned for the faithful performance of their duties—such agents being removable at the pleasure of the president, subject to the approval of the board of directors, or by the board of directors.

Stock; how assigned

"§ 9. Every stockholder not in debt to the company may, at pleasure, by power of attorney or in person, assign or transfer his stock in the company on the books of the same, or any part thereof, not being less than a whole share; but the said company shall have a lien, prior to all others, upon any stock held by any stockholder for any debt said stockholder may

owe to said company, and no stockholder shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the board of directors.

" § 10. The president and directors shall have power to declare such dividends of the profits of the company as they may deem proper: provided, that no dividend shall be declared unless earned. The said president and directors shall also, at the end of every year, except that in which the company goes into operation, make a report, showing the condition of the company in regard to its business for the current year. The first annual meeting of the stockholders of said company shall be on the second Monday in January, eighteen hundred and seventy-one, and thereafter, on the said second Monday in January of each year: provided, that the said stockholders at any regular meeting, or a board of directors, may, at any time, change the day of said annual meeting, and the president and directors may, at any time, call a general meeting of the stockholders; and any number of stockholders, owning not less than one-third of the whole number of shares, may require the president to call such meeting, and on his refusal to do so, may themselves call such meeting, in each case giving at least fifteen days' notice by publication in one or more newspapers published in the city of Richmond.

Dividends

Annual report

Annual meeting

General meeting; how called

" § 11. The stockholders of this company shall not be liable for any loss, debt, contract, or obligation of this company, beyond the amount of stock held by them respectively.

Liability of stockholders

" § 12. All policies of insurance and other contracts made by the said company, signed by the president and countersigned by the secretary, shall be obligatory on the said company, and have the same effect as if attested by a corporate seal.

Policies and other contracts; how authenticated

" § 13. Nothing in this act shall be so construed as to authorize the said company to issue and put in circulation any note in the nature of a bank note.

Not to issue bank notes

" § 14. The board of directors shall allow the president and other officers a reasonable compensation for their services, to be established and fixed from time to time by said board.

Compensation

" § 15. The persons named in the sixth section of this act as a board of directors, shall, within twelve months after the passage of this act, open books at some suitable place in the city of Richmond, and at any other place or places they may deem proper, to receive subscriptions to the capital stock of this corporation, and may prescribe such terms in regard to said subscriptions as they may deem wise, not inconsistent with the provisions of this act and the laws of the state and the United States.

Subscriptions; how received

" § 16. This act shall be in force from its passage, and shall be subject to amendments, modifications, or repeal, at the pleasure of the general assembly of Virginia."

Commencement, &c.

CHAP. 334.—An ACT to Incorporate the Virginia and Maryland Railroad Company.

Approved July 11, 1870.

Virginia and
Maryland Rail-
road Company
incorporated

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription for the capital stock of a company, to be incorporated by the name of The Virginia and Maryland Railroad Company, for the purpose of constructing a railroad from a point on the Potomac river between White's ferry and Knoxville, to a point on the Alexandria, Loudoun, and Hampshire railroad, West of Goose creek, and from thence via Aldie, in the county of Loudoun, to Manassas Junction, in the county of Prince William.

Commissioners

2. Be it further enacted, That the following persons are appointed commissioners to receive such subscriptions, namely: Isaac D. Budd, J. V. W. Vandenburg, George Tyler, J. A. Partridge, T. W. Welsh, Franklin Taylor, Harvey Beckwith, William Matthew, S. A. Suit, and Hamilton Rogers, or a majority of them, at Leesburg, in the county of Loudoun; and the said commissioners are authorized to receive subscriptions, to be made by individuals or corporations; and subscriptions to said capital stock by any other railroad company, located either without or within this state, are hereby allowed to be made and received, in the discretion of the said commissioners.

Capital and
shares

3. Be it further enacted, That the capital stock of the said company shall not be less than fifty thousand dollars nor more than two million dollars, to be divided into shares of one hundred dollars each; and whenever the first named sum shall be subscribed, the subscribers shall be incorporated by the name and for the purposes mentioned in the first section of this act, and shall have full power and authority to effect the same, subject to the provisions of the Code of Virginia applicable to such corporations.

Borrow money

4. Be it further enacted, That it shall be lawful for the said company, by and with the consent of the stockholders in general meeting assembled, to borrow money for the purposes of this act, to issue certificates of said loans, and to pledge any and all the property of said company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon: provided, that no greater rate of interest shall be paid than is now allowed by law.

Land received
in subscription

5. Be it further enacted, That it shall be lawful for the said company to receive not exceeding twenty thousand acres of land in payment of subscriptions for stock of the said company.

Connections

6. Be it further enacted, That the company hereby incorporated shall have the right to make convenient connections with any other road or roads now or hereafter to be constructed in this state; and to construct a bridge across the Potomac river for the use of the said company; and the said company is hereby allowed to adapt the said bridge to the passage of wagons, and to other ordinary uses, and to make reasonable charges therefor.

7. Be it further enacted, That when the said company shall have completed and equipped their said road, from a point on the Potomac river between White's ferry and Knoxville to any of the points mentioned in the first section of this act, they are hereby authorized to work the same as if entirely finished: provided, that the construction of the road shall be commenced within three years, and completed to the Alexandria, Loudoun and Hampshire railroad within five years.

Working of road; period within which to be commenced and finished

8. That the said Virginia and Maryland railroad company may, by a vote of the majority of the stockholders in general meeting assembled, unite with the Manassas and Potomac railroad company; and in the event of such union, the name of the company thus formed shall be the Virginia, Maryland and Potomac railroad company; and all the franchise, powers, rights, and privileges granted by this act, shall enure to the said Virginia, Maryland and Potomac railroad company: provided, that before the union contemplated by this section shall take effect, the assent of the said Manassas and Potomac railroad company, by a vote of the majority of its stockholders in general meeting assembled, shall first be obtained.

Union with Manassas and Potomac Railroad Company

Proviso

9. This act shall be in force from and after its passage.

Commencement

CHAP. 385.—An ACT to Amend an Act passed February 21, 1817, entitled An act to Incorporate the Academy in the town of New Market, Shenandoah county.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That the act passed by the general assembly of Virginia on the twenty-first day of February, eighteen hundred and seventeen, entitled an act to incorporate the academy in the town of New Market, Shenandoah county, be and the same is hereby amended and re-enacted so that it shall read as follows:

Charter of Academy of New Market amended

“§ 1. Be it enacted by the general assembly, That Martin Urner, Solomon D. Henkel, Socrates Henkel, Walter Newman, Charles E. Rice, Joseph B. Strayer, Caspar C. Henkel, William M. Sibert, John D. Zirkle, Jacob D. Williamson, Francis E. Rice, and Zachariah Shirley, Sr., be and they are hereby continued as trustees and appointed trustees of The New Market Polytechnic Institute, in New Market, Shenandoah county; and the said trustees and their successors are hereby constituted a body politic and corporate, by the name of Trustees of the New Market Polytechnic Institute; and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, in any court of law or equity within this commonwealth. The said trustees, or a majority of them, by the name aforesaid, shall be capable in law to purchase, receive, and hold, they and their successors forever, for the sole benefit of the said New Market Polytechnic Institute, as if the same were purchased, received, or held for the benefit of a natural person, any lands, tenements, rents, goods, and chattels, of what kind soever, which

Trustees

Corporate Powers

may be purchased by or devised or given to them for the establishment or endowment of the said New Market Polytechnic Institute, and to lease, rent, or otherwise dispose of the same, in such manner as to them most conducive to the benefit of the said institute: provided, that the real estate held or owned at any one time shall not exceed in value the sum of one hundred thousand dollars, nor shall the same be held, used, leased, or sold, for any other purpose than to promote the educational objects of said institute: provided, that not less than a majority of the said trustees shall be sufficient to authorize a sale of any real estate belonging to the said institute. The said trustees and their successors, or a majority of them, shall have power from time to time to make and establish such by-laws, rules, and regulations, not contrary to the laws or constitution of this state or of the United States, which they may judge necessary for the government and operation of the said institute, and to appoint a president, secretary, and treasurer of the board of trustees, and also such tutors, professors, librarian, and other officers that may be necessary, and remove the same under regulations and rules to be established by the said trustees. The secretary shall keep a fair and correct record of the proceedings of all meetings of said trustees, and perform such other duties as properly belong to his office, or may be required of him by the regulations of the said trustees. The treasurer shall receive all moneys accruing to the said institute, and property thereof delivered to his care, and pay or deliver the same to the order of the said trustees, or a majority of them; and before he enters on the duties of his office, shall give bond and security, in such sum as the said trustees, or a majority of them, may direct, payable to them and their successors, with condition for the faithful discharge of the trust imposed in him, and that he will, when required by the trustees, or a majority of them, render a just and true account of all moneys, goods, and chattels received by him on account of and for the use of said institute. The said treasurer shall receive such salary as may be allowed by the said trustees, or a majority of them; and if he fail to render, when required, a just and true account of all moneys, goods, and chattels, which may have come to his hands by virtue of his office, or to appropriate and pay the same as the trustees, or a majority of them, may direct, it shall be lawful for the said trustees, or a majority of them, to obtain a judgment for the amount or value thereof, by motion, in any court of record in the commonwealth having jurisdiction of the parties against the said treasurer and his securities, his or their executors, administrators; and execution shall thereupon be issued in like manner as is by the law directed against sheriffs for non-payment of taxes: provided, that the defendant or defendants on every such motion shall have twenty days' previous notice thereof in writing. The duties of the librarian may be defined by the said trustees hereafter, and they may allow him such salary as they may deem proper and reasonable. The trustees may, as occasion demands, elect a president of the faculty, and such other professors as may be found necessary; and the president

Proviso

Officers

Secretary

Treasurer

Proviso

Librarian

President

and professors so elected and appointed, shall constitute the faculty of the institute, and shall have the right and power to confer such degrees and titles as they, with the consent of the trustees, may adopt, and issue diplomas and certificates of proficiency in studies, and do such other and further things as generally appertain to the duties of professors in colleges. Each applicant, in order to admission as a student, must have the necessary qualifications, and must comply with the terms, conditions, and requirements of the said institute; and no one shall be received as a student without the approval of the president of the faculty. The said trustees are hereby also required to keep in operation a primary or preparatory department, under a qualified tutor or tutors, in the said institute buildings, or connected therewith.

Students

"§ 2. In case of the death, resignation, removal, or disability, of any one or more of the trustees, the vacancies thereby occasioned shall remain unfilled until the number of trustees shall be reduced below seven, and then such vacancies, so occasioned, shall be filled until seven trustees shall be duly qualified, in all, by the remaining trustees, or a majority of them; but a majority of the qualified and acting trustees shall, at any time, be sufficient and competent to transact any of the business of said trustees. The said trustees shall meet from time to time, according to their own appointments, or by order of the president; and should any trustee persistently neglect his duties, he may, by a two-thirds vote of the trustees remaining, be declared no longer a trustee, and thereupon the remaining trustees may proceed to fill the vacancy thus occasioned.

Vacancy among trustees

Their meeting

"§ 3. The said trustees are hereby made and declared the lawful successors of the trustees of the New Market academy, with all the rights, privileges, duties, and responsibilities of said trustees of said academies, specially and particularly conferred and devolved upon them; and are hereby specially authorized and empowered to collect and receive all subscriptions heretofore made and payable to the trustees of the New Market academy, for the use of said academy, and to take and receive such subscriptions as may be hereafter made for the benefit of the said institute; and in case any one shall fail to comply with his or her subscription, in either case above recited, to enforce the payment thereof by warrant before a magistrate, or by a motion in any court of record in this commonwealth, according to the amount of such subscription, giving ten days' previous notice of such motion, in case the same be made.

The trustees under this act the successors of the trustees of the New Market Academy

"§ 4. This act shall take effect and be in full force and effect on the first day of October, Anno Domini, eighteen hundred and seventy."

Commencement

CHAP. 836.—An ACT to Incorporate the Potomac and Manassas Railroad Company.

Approved July 11, 1870.

Potomac and Manassas Railroad Company	1. Be it enacted by the general assembly of Virginia, That Anson Bangs, Jesse Hoyt, Columbus C. Douglass, Aylett Nicol, C. W. C. Dunnington, Daniel F. Ruggles, Walter Wier, their associates and successors, shall be and are hereby created a corporation by the name of The Potomac and Manassas railroad company, for the purpose of constructing a railroad from Manassas Junction to some point on the Richmond, Fredericksburg and Potomac railroad, between the Acquia Creek terminus and Fredericksburg, or on any branch of the same, north of Fredericksburg, or at some point on the Potomac railroad.
Route	
Capital and shares	2. The capital stock of the company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each. When fifty thousand dollars thereof are subscribed, the subscribers may organize the company and exercise the functions of a corporation in accordance with the provisions applicable thereto in the Code and statutes of Virginia.
Rates of charge, &c.	3. The rates of charge per mile for transportation by said company, for passengers and freight, shall never exceed the highest allowed by law to other railroads in the state of Virginia, and no discrimination shall be made in such charges against any connecting railroad company, nor shall any railroad company, connecting with said railroad, discriminate against said company; and said railroad company may acquire, by condemnation, in accordance with the provisions applicable thereto in the Code and statutes of Virginia, an amount of land, not exceeding forty acres in any one parcel, for its main depots, machine shops, and other necessary purposes connected with the business of said company. It shall be lawful for said company to acquire, not exceeding thirty thousand acres of land, in payment for subscriptions of stock, or by purchase: provided, however, it shall not be lawful for said company, at the expiration of ten years after the completion of their road, to hold more land than shall be necessary for the use of the road.
How much land it may acquire and hold	
May borrow money, &c.	4. And the directors of said company, or a majority of them, shall, by and with the consent of the stockholders in general meeting assembled, have power to borrow money, at a rate of interest not exceeding that allowed by law, for the purposes of this act, not exceeding one-half the capital stock hereby authorized, and issue proper certificates of such loans, and to pledge the property of the company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon.
Within what period road to be commenced and finished	5. The construction of the said Potomac and Manassas railroad shall be commenced within two years, and the same shall be completed within six years, from the passage of this act.
Commencement	6. This act shall be in force from its passage, and shall be subject to all general laws now existing or that may hereafter be enacted with reference to works of internal improvements.

CHAP. 387.—An ACT for the Incorporation of the Town of Bowling Green, in the County of Caroline.

Approved July 11, 1870.

1. Be it enacted by the general assembly, That the village known as Bowling Green, in the county of Caroline, as the same has been heretofore laid off into lots, streets, and alleys, and as the same may hereafter be further laid off and extended into lots, streets, and alleys, within the following described boundaries, viz: beginning at the upper corner of Dr. A. M. Glassell's barn; thence in a straight line to Southeast corner of Dr. James' land, on Milford street; thence in a straight line to a cherry tree in James T. White's field; thence in a straight line to the gateposts on the East side of the old stage road; thence in a straight line to the brick-yard on James T. White's land; thence in a straight line to the graveyard on the top of Mill Hill; and thence in a straight line to the beginning. The same shall be and is hereby made a town corporate, by the name and style of The Town of Bowling Green, in the county of Caroline, and by that name and style shall have and exercise the powers hereinafter granted; and that W. J. Anderson, Dr. A. M. Glassell, A. B. Chandler, E. C. Moncure, E. R. Pullen, William Wright, and E. J. Anderson, gentlemen, are hereby appointed trustees thereof, who shall have and exercise the powers herein granted as trustees of said town, and remain in office until others shall be appointed, in the manner hereinafter directed; a majority of whom shall constitute a board for the transaction of business.

Town of Bowling Green incorporated

Boundary

Trustees

2. For the better government and well-ordering the affairs of said town, it shall be lawful for the residents thereof, qualified to vote for all officers elective by the people, under the constitution of this commonwealth, to meet at the courthouse in said town, annually, on the fourth Thursday in May, and then and there elect, by ballot, seven fit, discreet, and able men, being freeholders and inhabitants of said town, to serve as trustees thereof. The persons so elected shall, before entering upon the duties of their office, under the authority of this act, respectively take an oath well and truly, faithfully and impartially, to do, execute, and perform the duties of their several offices, as prescribed by this act, to the best of their skill and judgment, and shall, within ten days after their election, proceed to choose, out of their own body, one person to preside at their meetings, who shall be the mayor of said town, and give the casting vote at any legal meeting of the trustees of said town whenever they are equally divided. The person so elected president of the board of trustees, and mayor of the town, as aforesaid, shall be and is hereby invested with the powers and authority of a justice of the peace within the corporate limits of said town, to have and exercise the like jurisdiction in all cases whatsoever originating within said limits as a justice of the county now or may hereafter have, but acting upon and under the by-laws and ordinances of said town, not contrary to the laws of this state or of the United States, but

Election of trustees; when

Their oath of office

President; his powers, duties, &c.

in accordance with the general laws of the land, particularly such as concern the duties and powers of a justice of the peace; and it is hereby made the duty of said mayor, acting as a justice of the peace as aforesaid, to suppress all disturbances, riots, and disorderly conduct within the bounds of said town. He shall also have power to issue process, hear and determine all prosecutions, cases, and controversies arising under the by-laws and ordinances, and issue executions for their collection, saving to the parties the right of appeal to the county court of Caroline. In all cases whatsoever wherein the fine or other matter or thing shall exceed the sum of ten dollars, appeals shall be taken in the same time and manner, and upon the same terms, that appeals are now taken by law from judgments of a single justice of the peace.

Term of office of
trustees

3. Be it further enacted, That should it so happen that an election of trustees of said town be not made at the time prescribed for an annual election, then the trustees last elected shall remain in office until the next succeeding time, as hereinbefore prescribed, for an annual election, or until a new election shall be had. For the first election of said trustees, it shall be lawful for any two trustees hereinbefore named, to attend in said town and conduct said election at the place hereinbefore specified, and they shall declare who are elected as trustees thereof.

Meeting of trustees

4. Be it further enacted, That the mayor, or any two of said trustees, shall have power to call a meeting of said trustees so often as occasion may require, which meeting shall be composed of five members, including the mayor, or, in his absence, a president pro tempore, elected by any four of said trustees who may be present; and all questions before a meeting of said trustees, shall be decided by a majority of trustees present, each having one vote, except the person who presides, who shall vote only when the others are equally divided.

Municipal powers of trustees

5. Be it further enacted, That the trustees of said town shall have power and authority to establish markets and regulate the same; to improve the streets, walks, and alleys thereof; to provide against and prevent accidents by fire, and for that purpose, to establish and organize fire companies and purchase engines; to prevent and punish, by reasonable fines, the practice or act of firing guns, running or riding horses at an unusual gait or speed in said town; to license and regulate shows and other public exhibitions, and the same to tax in such reasonable manner and extent as they may deem expedient; to appoint all such officers as may be necessary for conducting the affairs of said town, not otherwise provided for by this act, and to allow them such compensation as they may deem reasonable; and finally, to make all such by-laws, rules, and regulations as they may deem necessary and proper for the good government of said town: provided, they be not contrary to or inconsistent with the constitution and laws of this commonwealth or of the United States, and the same to amend, repeal, or enforce, by reasonable fines and penalties, not exceeding for any one offence the sum of ten dollars, to be recovered, with costs, in the name of the mayor and trustees aforesaid, before

the mayor, and by him applied in aid of the taxes imposed upon said town.

6. Be it further enacted, That the said trustees, thus constituted, shall have power to assess and collect an annual tax within the said town for the purposes before mentioned, on all such property, vocation, profession, or business, as is now subjected to taxation by the revenue laws of this commonwealth: May assess and collect taxes provided, that the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars' value thereof, and one dollar on all tithables within said town; and provided also, that the tax to be imposed on all other property and inhabitants of said town, subject to taxation as aforesaid, shall not exceed the taxes on the like subjects now imposed by the revenue laws of this commonwealth, unless such excess shall have been authorized by a majority of the inhabitants of said town, and the owners of real estate therein, qualified as aforesaid to vote for trustees thereof. And moreover, it shall be competent to said trustees to conduct and distribute water into and through said town, upon the request or assent of the majority of the qualified voters thereof; such request or assent to be ascertained in such manner as the said trustees may deem best calculated to obtain a full expression of opinion upon the subject. Proviso Distribution of water

7. Be it further enacted, That the said trustees shall have power to appoint, annually, a sergeant or town collector, who shall have and possess the like right of distress and powers in collecting the said taxes, service and return of process arising under the authority of this act, or of any by-law made in pursuance thereof, and shall be entitled to the same or like fees and commissions as are allowed by law to constables for similar duties and services. The sergeant, or town collector, shall execute bond, with approved security, in such penalty as said trustees shall deem necessary, payable to them and their successors in office, conditioned for the faithful discharge of his duties, and payment over of said taxes and other moneys by him collected or received in virtue of his office; and he and his securities, his and their executors or administrators, shall be subject to such proceedings, by motion or otherwise, before the county court of the county of Caroline, for enforcing payment of such taxes or other moneys by him collected or received as aforesaid, at the suit or motion of the said mayor and trustees, or other person entitled, as collectors of county levies are, by law, subject to for enforcing payment of the levies by them collected. Sergeant or town collector; his powers, duties, and fees His bond Liability thereon

8. Be it further enacted, That in case of the misconduct of any officer of said town, appointed by the trustees thereof under the authority of this act, they, the said trustees, shall have power to remove the offender and supply the vacancy thereby occasioned; and in case of the office of trustee of said town, such vacancy shall be filled, within thirty days, by an election made by the trustees of said town as aforesaid. Trustees may remove any officer; vacancy, how filled

9. Be it further enacted, That in order the better to determine what persons are liable to taxation in said town, it is hereby declared that all persons liable to taxation as herein- Persons liable to taxation

before provided, and residing in said town, annually, between the first day of March and the first day of April, shall be subject to taxation the then current year.

Fines, penalties,
&c.; how dis-
posed of

10. And be it further enacted, That all fines, penalties, and amercements, and other moneys received or raised by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of the mayor and trustees for the use and benefits of the said town.

Inconsistent
acts repealed

11. All acts or parts of acts inconsistent herewith are hereby repealed.

Commence-
ment

12. This act shall be in force from its passage.

CHAP. 338.—An ACT to Authorize the Qualified Voters of the County of Chesterfield to Vote Anew on the question of the Removal of the County Courthouse to the Town of Manchester.

Approved July 11, 1870.

Preamble

Whereas, at the county court of Chesterfield county, at its February term, eighteen hundred and seventy, acting upon petitions presented to said court, have memorialized the general assembly of Virginia that the sense of the people of said county should be taken upon the change of location of the courthouse of said county; and whereas, it is deemed necessary that the said question of removing the said courthouse should be voted on anew: therefore,

At November
election in
Chesterfield,
separate ballot
for or against
removal of
courthouse

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the officers conducting the elections in the county of Chesterfield, at the time and places for holding the election, on the first Tuesday after the first Monday in November next, in said county, to prepare a separate ballot box in which shall be deposited the ballots of the qualified voters who shall desire to vote upon the question of said removal. The ballots shall be respectively as follows:

For the town of Manchester.

For the present location.

Ballots therefor

Each ballot cast, which shall have written or printed thereon, "for the town of Manchester," shall be deemed and taken as a vote for the removal of the seat of justice of the county of Chesterfield to the town of Manchester. And each ballot having written or printed thereon, "for the present location," shall be taken as a vote against the removal of the said seat of justice. The officers conducting said election shall receive the ballots of every person applying to vote, who shall be qualified according to the constitution and laws of this commonwealth to vote for the officers then to be elected, and shall keep said polls open as long as the polls for the election of said officers shall be kept open, and shall proceed with, certify, and return the same to the clerk of the county court of the said county of Chesterfield in the same manner, and shall be liable to the same penalties for neglect and failure therein, as prescribed by law in relation to the officers then to be elected: provided,

Qualification of
voters; polls,
how kept, &c.

Proviso

however, that the failure of the said officers, conducting the election, to keep separate poll books, or to return and certify the said vote upon such poll books, shall not affect the legality of said election upon the question of the said removal of the said seat of justice, but said return may be made on paper, or some other convenient manner, in writing or figures.

2. It shall be the duty of the county court of the county of Chesterfield, in term time or the judge thereof in vacation, to appoint five persons to act as town commissioners, any three or more of whom shall constitute a board, whose duty it shall be to meet at the clerk's office of the county court of said county of Chesterfield on the Monday next succeeding said election, and then and there proceed, in the presence of each other, to scrutinize, purge, and count the ballots taken on the removal of the said seat of justice and returned to the said clerk of the county court of Chesterfield county, and decide upon the legality or illegality of the ballots so taken; and they shall have power to sit from day to day until their duties shall have been discharged, and having stricken therefrom such ballots as, in the opinion of a majority of said commissioners, may have been illegally cast, said commissioners shall count the ballots which remain unstricken, and shall verify the same by taking and subscribing before some officer authorized to administer oaths in the county of Chesterfield, an affidavit to the following effect: "We do hereby make oath, or affirm, that we have carefully examined the ballots in the boxes, cast upon the question of the removal of the seat of justice of Chesterfield county, and that we have stricken therefrom no ballots which, in the opinion of a majority of us, were properly cast, and that no ballots remain which a majority of us concur in believing are not entitled so to be, according to the provisions of this act. Sworn to before me, , this day of , eighteen hundred and seventy." And it shall be the duty of said commissioners to return the said counted ballots, so verified, to the clerk of the county court of Chesterfield, to be preserved by him in his office; and the said commissioners shall, at the same time, certify to the county court which of the locations aforesaid received the largest number of ballots. If the town of Manchester shall have received the largest number of votes, the said town of Manchester shall be, to all intents and purposes, the place of holding court in the county of Chesterfield, and for conducting the business incident thereto, from and after the first day of January, eighteen hundred and seventy-one.

3. When it shall be ascertained that a majority of the votes cast at the said election were in favor of the said removal of the seat of justice of Chesterfield county to the town of Manchester, the said county court of Chesterfield county shall immediately proceed to cause a court-house and other necessary public buildings and fixtures, for the said county of Chesterfield, to be erected at such place in the town of Manchester as the said court may select; and the said county court shall sell, upon such terms as it may deem proper, the land and appurtenances now occupied as the site of the seat of justice for the said county of Chesterfield, and appropriate the proceeds of

Commissioners;
their duty, &c.

Oath

Returns

If vote in favor
of removal, pro-
ceedings there-
upon

said sale towards defraying the expense of procuring the land and erecting the aforesaid buildings to be erected at the new seat of justice.

Manchester
authorized to
donate land, &c.,
for courthouse,
&c.

4. The town of Manchester is hereby authorized and empowered, according to the discretion of the trustees of said town, to make any donations of lands, money, or bonds to the county of Chesterfield, not exceeding ten thousand dollars in value or amount, to be used and applied towards the erection of the aforesaid court-house and other necessary buildings; and the said county court of Chesterfield county, or the proper authorities thereof, may accept the same, and if such offer, so made and accepted, the town of Manchester shall, by appropriation out of the town treasury or otherwise, furnish the amount of lands, money, or bonds so donated: provided, that the said donation be accepted by the said county of Chesterfield, or the proper authorities thereof, within sixty days after the offer shall have been made on the part of the town of Manchester.

Proviso

Levy authorized

5. The said county of Chesterfield, or the proper authorities thereof, are hereby authorized and empowered, should it become necessary, to cause a levy or levies to be made for the purpose of defraying the expense of removing the said seat of justice of Chesterfield county under the provisions of this act.

Said election re-
turns subject to
judgment of cir-
cuit court, or
judge thereof;
upon what com-
plaint

6. The returns of the said officers conducting the election, or the said commissioners heretofore appointed, shall be subject to the inquiry, determination, and judgment of the circuit court for the county of Chesterfield, or the judge thereof in vacation, upon the complaint of five or more of the qualified voters of the county of Chesterfield, one of whom shall take and subscribe an oath or affirmation that the facts set forth in such complaint are true to the best of his information and belief; and the said court, or the judge thereof in vacation, shall proceed summarily upon the merits of said complaint, and shall determine finally concerning the same, according to the constitution and laws of this commonwealth, upon reasonable notice to the said officers or the said commissioners, as the conduct of the one or the other may be the subject of complaint; and upon such hearing, the said court, or the judge thereof, shall grant such relief as the nature of the case may require, and use the process of the court to compel the attendance of witnesses and execute the judgment thereupon, rendered in term time as well as vacation.

Proceedings
thereupon

Commence-
ment

7. This act shall be in force from its passage.

CHAP. 339.—An ACT to Incorporate the Southside Banking Company.

Approved July 11, 1870.

1. Be it enacted by the general assembly of Virginia, That D. B. Tennant, A. G. McIlvain, R. B. Bolling, R. Ragland, J. A. Johnson, T. J. Corprew, John Goode, Jr., C. W. Statham, David W. Burton, Wm. R. Terry, William Watts, Abram Fulkerson, and S. Bassett French, their successors, associates, and assignees, be and are hereby created a body politic and corporate, under the name and style of The Southside Banking Company, by which name it may sue, plead, and be sued and impleaded, and have perpetual succession, and shall have a common seal, alterable at pleasure; and may ordain such rules and regulations and by-laws, not inconsistent with the constitution and laws of this state; establish offices and agencies in this state or elsewhere, and to do any and every other act necessary to promote the object and design of this corporation.

Southside Banking Company
Incorporated

2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; which, from time to time, may be increased by vote of the majority of the directors thereof, to a sum not exceeding five millions of dollars; and when one hundred thousand dollars of the capital stock shall have been subscribed, and twenty-five per centum thereon shall have been paid in, the said company shall be allowed to organize and perform all the functions and be subjected to all the obligations imposed by this act.

Capital, &c.

3. It shall be lawful for other corporations to invest in this, and for this corporation to receive subscriptions from other corporations to the capital stock of this company.

Other incorporations may invest

4. It shall be lawful for the said company to carry on the business of banking by discounting bills, notes, and other evidences of debt, by receiving deposits, by buying and selling gold and silver, bullion, foreign coins, bills of exchange, stocks, and bonds for the purposes authorized by law; by loaning money on real estate and personal security; by issuing and circulating bills and notes as permitted by law; and by exercising all such incidental powers as shall be necessary to carry on such business; and all other powers which are now or may hereafter by law be allowed for like companies; and to guarantee the payment due upon negotiable notes, bonds, or other written evidences of debt and the performance of other written contracts.

Business

5. The said company shall not deal or traffic in lands or merchandise, except it may purchase, hold, and convey real and personal estate for the following purposes:

Traffic in lands, &c.

First—Such real estate as shall be necessary for its immediate accommodation, in the convenient transaction of its business.

Second—Such real and personal estate, or other, as shall be mortgaged or pledged to it in good faith by way of security for loans made by or money due to the said company.

Third—Such real and personal estate as shall be conveyed or assigned to the said company in satisfaction of debts previously contracted in the course of its dealings; and,

Fourth—Such as it shall purchase at sales under judgment, decrees, or mortgages, held by the said company.

Interest

6. Nothing in this act shall be so construed as to authorize the said banking company to take, for loan or forbearance of money or other thing, more than twelve per centum per annum.

Subscriptions;
how recovered

7. If any subscriber shall fail to pay the quota demanded on his share or shares, by the directors of said company, for a period of thirty days after such demand, then the amount called for may be recovered by motion, upon ten days' notice, in writing, in any court of record in the city of Petersburg, or place of residence of the holder of the stock, at the option of the said company.

Directors

8. The powers of this company shall be exercised, and its business conducted, by not less than five nor more than thirteen directors, a majority of whom shall be residents of the state of Virginia, and stockholders in said company.

How appointed

9. The persons named in the first section of this act shall be the directors of the said company until their successors shall be appointed; and the said directors and their successors, shall appoint, from their own body, a president, who shall be a citizen of Virginia.

Quorum

10. Five directors shall be a quorum for transacting the business of the company; and the said board may, from time to time, commit or delegate such power to a committee, of their own body, (of which the president shall be one,) or to their president and cashier, or to either of them, as they may deem expedient; and such power, at pleasure, to annul and revoke.

Cashier and
other officers

And the said board shall have power to appoint a cashier and as many officers, clerks, agents, and servants, for carrying on the business of the company, and with such salaries and allowances, as they shall deem expedient and proper.

Principal office,
&c.

11. The principal office of the said company shall be in Petersburg, in this state; but the president and directors of said company shall have power to establish offices and agents at any other point in this state or elsewhere, and, in their discretion, may take bonds, with security, conditioned for the faithful performance of their duties; such agents being removable at the pleasure of the president, subject to the approval of the board of directors, or by the board of directors.

Voting

12. At the meetings of the said company, each share of stock shall be entitled to one vote; and every stockholder, not in debt to the company, may, at pleasure, by power of attorney or in person, assign or transfer his stock in the company on the books of the same, or any part thereof, not being less than one share; but no stockholder shall make any such transfer or receive a dividend until such debt is paid or secured to the satisfaction of the board of directors.

Dividends

13. The president and directors shall have power to declare such dividends of the profits of the company as they may deem proper: provided, that no dividend shall be declared unless

carried, and in the opinion of a majority of the board, the capital stock will not be injured thereby.

14. When one hundred thousand dollars of the capital stock shall have been subscribed, and twenty-five per centum thereof shall have been actually paid in, the commissioners named in the first section of this act, or a majority of them, shall, on thirty days' notice, by publication in one or more newspapers published in Petersburg, convene the subscribers to the capital stock for the organization of the company, and such other business as may affect its interests; and upon such organization perfected, the company shall commence and carry on the business authorized by this act: provided, however, that if the said company shall not organize, as is herein provided, before the first day of January, eighteen hundred and seventy-five, then this act shall stand void and of no effect.

Organization of company

15. The president of said company for the time being, shall preside at any meeting of the board of directors, at which he shall be present; and the said president is hereby indicated as the officer to whom conveyances shall be made of real estate, to take, hold, and convey the same in behalf of this company, according to the provisions of this act, and under the direction of the board of directors, to collect, receive, and sue for any money or other property due or belonging to the company, or to compound for the same; to submit to arbitration any controversies in which it may be involved; to cancel and satisfy on payment, and to compromise any mortgage, judgment, or decree which it may hold, and to relieve and discharge the whole or any part of the property mortgaged or encumbered; and also to sell and transfer any public debt, stocks, or other property belonging or pledged to the company, and to receive any dividends arising therefrom; and for any of the foregoing or other similar purposes, an attorney at law, or in fact, under him at any time, may appoint.

President; his powers, &c.

16. In case of the absence of the president, the board of directors may elect a chairman or president pro tempore, who shall perform all the functions of the president, during such absence, or until a new president is elected.

Chairman pro tempore

17. The president and cashier shall sign all certificates of stock to be issued by the association; and the cashier shall keep minutes of the proceedings of the board of directors.

Certificates and minutes; how signed

18. The shareholders in said company shall not be liable for any loss, damage, or responsibility other than to the extent of property they may have in capital stock and funds of the company to the amount of shares held by them respectively, and any profits derived therefrom not divided.

Liability of shareholders

19. This act shall be in force from its passage.

Commencement

CHAP. 340.—An ACT to Amend and Re-enact an Act entitled an Act to Charter the Richmond and Peninsula Railway Company, passed 27th February, 1866.

Approved July 11, 1870.

Richmond and
Newport News
Railroad Com-
pany incorpo-
rated

1. Be it enacted by the general assembly of Virginia, That G. L. Thompson, James K. Wilks, John E. Wilson, F. O. Prince, Samuel Sneedeen, Edmond Pechin, Frank O. Forbes, John O. Reid, Ambrose C. Dunn, Thomas H. Wynne, Stuart Gwynn, James M. Sellers, J. T. Simms, R. H. Catlett, Henry D. Cooke, Charles T. Sherman, Francis W. Lemossy, and E. S. Hamlin, and their associates and successors, shall be and are hereby incorporated as a body politic and corporate, by the name and style of The Richmond and Newport News Railroad Company, and invested with all the rights and privileges, and subject to all the restrictions conferred and imposed by chapters fifty-six and fifty-seven of the Code of Virginia, and all general laws, so far as the same may be applicable and not inconsistent with this act.

Capital and
shares

2. The capital of the said company shall be three millions of dollars, divided into shares of one hundred dollars each; but the company may be organized and proceed to exercise its functions as soon as one million of dollars shall be subscribed, and one hundred thousand dollars thereof shall be actually deposited in any bank or banking-house in the city of Richmond, to the credit of the said company. And a public meeting of the stockholders shall be called, James Lyons, Thomas H. Wynne, H. G. Fant, or any one of them (who are appointed commissioners for the purpose), in the city of Richmond, by public notice in one or more of the daily newspapers published in the said city. At such meeting, one or more of said commissioners shall attend, and receive all additional subscribers for the said stock who may offer and pay up ten per centum of such subscription. The said commissioners shall cause the names of all the stockholders to be entered in a book to be procured for that purpose; and also the certificate of deposit of the said sum of one hundred thousand dollars as aforesaid, and of additional deposits made by or for new subscribers, in like manner, enter and publish their own certificate of the fact of such deposits; whereupon, the said company shall proceed to the election of officers according to the Code of Virginia.

Meeting of
stockholders

New subscrip-
tions

3. If the capital be not subscribed at or before said first meeting, the said company may receive new subscriptions on all new stock, until the whole capital is subscribed.

Gauge

4. It shall be the duty of said company to build and equip the said railway from the city of Richmond to Newport News, at such gauge as may connect with the Virginia Central railway and the York river railroad, with which it is authorized to connect, and which are authorized to connect with it. The rails upon the said road shall be of not less weight than fifty-four pounds per yard; the joints shall be fished, and the ties and spikes of the best quality used by first-class railways.

Rails

5. The said road shall be completed to Williamsburg by the first day of July, eighteen hundred and seventy-two; and to Newport News by the first day of January, eighteen hundred and seventy-three; and if not thus completed, the said company shall be deprived of all the privileges conferred by this act. Within what time road to be completed

6. The said company may condemn, according to the laws of Virginia, land for their roadway, depot stations, or other necessary purposes: provided, that they shall not be allowed to condemn more than two acres of land in the city of Richmond, nor more than forty acres at any one point in the country below Richmond. Condemnation of land

7. In all meetings of the stockholders of the said company, those only shall be allowed to vote who have complied with the terms of subscription; and each share of stock shall entitle the holder of it to one vote. Voting

8. This act shall be in force from its passage.

Commencement

CHAP. 341.—JOINT RESOLUTION in Regard to the House of Delegates Resuming its Sessions in the Capitol Building.

Approved October 5, 1870.

Resolved (with the concurrence of the senate), That the house of delegates will resume its sessions in the capitol building.

CHAP. 342.—JOINT RESOLUTION in Regard to an Adjournment Sine Die.

Agreed to October 6, 1870.

Resolved by the house of delegates (the senate concurring), That the general assembly adjourn sine die on Saturday, the fifth day of November, eighteen hundred and seventy.

CHAP. 343.—JOINT RESOLUTIONS Relative to the Death of General Robert E. Lee.

Agreed to October 13, 1870.

Whereas, the general assembly has learned, with profound grief, that Robert E. Lee is dead: Preamble, &c.

Resolved by the house of delegates (the senate concurring), That the governor be requested to set apart, by proclamation, a day to be observed by the people of the commonwealth as a day of solemn mourning for this public calamity.

Resolved, That the general assembly, in the name of Virginia, begs the honor of the custody of the remains of her lamented son, and their sepulture in Hollywood cemetery.

Resolved, That a joint committee of three members of the senate, and five of the house of delegates, be appointed to attend the funeral on behalf of the government and people of the commonwealth, and to act as an escort to the remains in the event that the request herein made for their custody be granted.

Resolved, That the acting presiding officers of the two houses of assembly be requested to accompany the joint committee as members thereof.

Resolved, That the committee present to the family of General Lee the affectionate sympathy of this people, and on their behalf earnestly urge their compliance with the request here made.

CHAP. 344.—An ACT Authorizing a New Registration of the Voters of Shenandoah Iron Works Township, in the County of Page.

Approved October 19, 1870.

Preamble

Whereas, the recent great freshet in the Shenandoah river swept away all the registration books of Shenandoah Iron Works Township, in the county of Page, and state of Virginia, and there are no duplicates of the same in existence: therefore,

New registration at Shenandoah Iron Works township

1. Be it enacted by the general assembly, That the registrar of Shenandoah Iron Works Township, in the county of Page, be and he is hereby authorized and required, after five days' notice to the voters of the said township, to proceed to register the said voters in the manner prescribed by law, and shall complete the said registration by the fifth day of November next ensuing, and the said registration shall dispense with the necessity of a revision as required by law.

Commencement

2. This act shall be in force from its passage.

CHAP. 345.—An ACT to Amend an Act approved April 30, 1870, Amending of an Act approved April 12, 1870, entitled an Act to Provide for the General Registration of Voters, and an Act Amending thereof, approved April 13, 1870, and further Amended by an Act approved April 30, 1870.

Approved October 22, 1870.

§ 7 of act for general registration amended

1. Be it enacted by the general assembly, That the seventh section of the act entitled an act to provide for a general registration of voters, approved April twelfth, eighteen hundred and seventy, as amended by an act approved April thirteenth, eighteen hundred and seventy, and further amended by an act approved April thirtieth, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 7

"§ 7. Each registrar shall annually, on the fourth Tuesday in April, at his voting place, proceed to register the names of

all the qualified voters within his voting district, not previously registered in the said district, in accordance with the provisions of this act, who shall apply to be registered, commencing at sunrise and closing at sunset of each day, and shall complete such registration within five days thereafter: provided, that the annual registration for the year eighteen hundred and seventy shall commence on the first Tuesday in May and be completed within seven days. Fifteen days previous to any state, city, town, county, or township election, the registrar shall sit two days for the purpose of amending and correcting the list, at which time any qualified voter applying, and not previously registered, may be added; and he may purge and correct the registration lists by striking from the same the names of such persons as have died, or have removed from the district, upon proper evidence being produced before him. The registrars shall give notice of the time and place of all registrations, for at least ten days before each sitting, by posting written or printed notices thereof at five or more public places in their townships, wards, and election districts. It shall be the duty of the registrars, within ten days after the completion of any general registration of voters, under this act, to have posted at three or more public places in their townships, wards, and election districts, written or printed lists of all persons admitted by them to registration, together with the names of those stricken off."

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 346.—JOINT RESOLUTION in Regard to the Disposition of Certain Pews which were in Sycamore church.

Approved October 29, 1870.

Resolved (with the concurrence of the senate), That the superintendent of public buildings be authorized and instructed to turn over to the alms-house of the city of Richmond, for use in its chapel, such of the removed pews of Sycamore church as he has not already disposed of, and for which there is no public use.

CHAP. 347.—An ACT to Amend Section 1 of Chapter 204 of the Code of 1860 as Amended by Chapter 118, passed 27th April, 1867, in Relation to Arrest.

Approved October 29, 1870.

1. Be it enacted by the general assembly, That section one of chapter two hundred and four of the Code of Virginia of eighteen hundred and sixty, amended by an act entitled an act to revise and amend the criminal procedure, passed twenty-seventh April, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows:

Code of Va.,
chap. 204, § 1,
amended

§ 1

"§ 1. A judge of a circuit, county or corporation court, or a justice in vacation, as well as in term time, may issue process for the apprehension of a person charged with an offence."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 348.—An ACT for the Relief of the Sureties of Joseph A. S. Barham, late Sheriff of Surry County.

Approved October 29, 1870.

Relief of sure-
ties of Joseph
A. S. Barham,
late sheriff of
Surry

1. Be it enacted by the general assembly, That the auditor of public accounts shall be authorized, and he is hereby directed, upon a settlement of the judgment, in the name of the commonwealth, against Joseph A. S. Barham, late sheriff of Surry county, and his sureties, for his default in the payment of the revenue for the years eighteen hundred and sixty-seven and sixty-eight, to receive from said sureties, in discharge of said judgment against them, the payment of the principal, legal interest, and costs and expenses of collection, abating therefrom the damages which have been awarded for said default; and he is also authorized to allow credit on said judgment for any insolvents which may be proved within ninety days from the passage of this act, if he shall be satisfied that the same were not lost by the neglect or default of the said Barham while in office: provided, however, that nothing in this act shall be construed to release said Barham from any portion of said judgment.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 349.—An ACT to Amend and Re-enact Section 7, Chapter 195 of the Code of 1860, with Regard to Carrying Concealed Weapons.

Approved October 29, 1870.

Code of Va.,
chap. 195, § 7,
amended

1. Be it enacted by the general assembly, That section seventh of chapter one hundred and ninety-five of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

§ 7

"§ 7. If a person habitually carry about his person, hid from common observation, any pistol, dirk, bowie-knife, or any weapon of the like kind, he shall be fined fifty dollars, and imprisoned for not more than twelve months in the county jail. The informer shall have half of such fine."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 350.—An ACT to Amend and Re-enact Section 108, Chapter 86 of the Code of 1860, as to Offences of the Revenue Laws by Commissioners of the Revenue.

Approved October 29, 1870.

1. Be it enacted by the general assembly, That the one hundred and eighth section of chapter thirty-five of the Code of Virginia (edition eighteen hundred and sixty), be amended and re-enacted so as to read as follows: Code of Va., chap. 35, § 108, amended

“ § 108. It shall be the duty of every commissioner, or other officer charged with the assessment of taxes and licenses, to furnish the attorney of the commonwealth of the county, city, or town, a list of every violation of the revenue law committed by persons other than himself, showing the nature and character of each violation. And it shall be the duty of each attorney to deliver such list to the foreman of the grand jury, who shall treat it as having been delivered specially in charge to the grand jury. The said foreman, after the grand jury is discharged, shall return such list to the clerk of the court, to be preserved and filed by him in his office. It shall also be the duty of the circuit, county, and corporation courts for the commonwealth, specially to charge the grand juries to inquire into all violations of the revenue by the commissioners.”

2. This act shall be in force from its passage.

Commencement

CHAP. 351.—An ACT for Payment of Rent of Rooms used by the Circuit Court for the city of Richmond.

Approved October 29, 1870.

1. Be it enacted by the general assembly, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasurer, payable out of any money in the treasury not otherwise appropriated, in favor of Franklin Stearns, for the sum of eight hundred dollars, as the same shall fall due, on account of the rent of the upper floors of tenement number one thousand and seven, Main street, Richmond, now occupied by the circuit court of the city of Richmond, under contract made between said Franklin Stearns and Major-General Canby, United States army, then commanding the military district including the state of Virginia. Appropriation for rent of rooms of Franklin Stearns for circuit court of city of Richmond

2. This act shall be in force from its passage.

Commencement

CHAP. 352.—An ACT to authorize the Payment of a Claim to John Wickham.

Approved October 31, 1870.

Payment of
claim to John
Wickham

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of John Wickham, for the sum of one hundred and sixty-six dollars and sixty-six cents, that being the amount of a claim due him for rent of an office, for the attorney-general, from first of October, eighteen hundred and sixty-six, to first of March, eighteen hundred and sixty-seven, remaining unpaid.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 353.—An ACT to Amend Section 4, Chapter 152, Code of Virginia (1860), as Amended by Act passed December 17, 1866, so as to Provide that an Indemnifying Bond shall be Conditioned also to Indemnify the Claimant of the Property Levied on Against Damages.

Approved October 31, 1870.

Code of Va.,
chap. 152, § 4,
amended

1. Be it enacted by the general assembly of Virginia, That the fourth section of chapter one hundred and fifty-two of the Code of Virginia, as amended by an act passed December seventeen, eighteen hundred and sixty-six, be amended and re-enacted so as to read as follows:

§ 4

"§ 4. If any officer levies, or is required to levy, an execution or a warrant of distress on property, or to attach money or property under an attachment, issued either by a justice of the peace or by the clerk of any court, and a doubt shall arise whether the said money or property is liable to such levy or attachment, he may give the plaintiff, his agent or attorney at law, notice that an indemnifying bond is required in the case; bond may thereupon be given by any person, with good security, payable to the officer, in a penalty equal to double the value of the property, conditioned to indemnify him against all damages which he may sustain in consequence of the seizure or sale of said property, and to pay to any claimant of such property all damages which he may sustain in consequence of such seizure or sale; and also to warrant and defend to any purchaser of the property such estate or interest therein as is sold."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to Revive and Re-establish the Inspection of Tobacco at Farmville Warehouse, in Farmville, Prince Edward County.

Approved October 31, 1870.

1. Be it enacted by the general assembly of Virginia, That the inspection of tobacco at Farmville warehouse, in the town of Farmville, Prince Edward county, be and the same is hereby revived and re-established. Inspection of tobacco at Farmville warehouse revived

2. Be it further enacted, That James T. Gray, C. W. Blanton, and Watson and Blanton, and such persons as may hereafter become associated with them, are hereby constituted a body corporate by the name of The Farmville Warehouse Company, for the purpose of carrying into effect the provisions of this act: provided, that the said Farmville warehouse shall be subject, in all respects, to the rules and regulations prescribed by the Code of eighteen hundred and sixty, and all acts amendatory thereof; and provided further, that if the quantity of tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges and the inspector's salary, the deficiency shall not be paid by the public. Farmville Warehouse Company incorporated

Proviso

3. This act shall be in force from its passage.

Commencement

CHAP. 355.—An ACT to Amend and Re-enact Section 1, Chapter 12 of the Code of Virginia (1860), with Regard to Duelling.

Approved October 31, 1870.

1. Be it enacted by the general assembly, That section one of chapter twelve of the Code of Virginia (eighteen hundred and sixty), be amended and re-enacted so as to read as follows: Code of Va., chap. 12, § 1, amended

"§ 1. From and after the twenty-sixth day of January, 1871, eighteen hundred and seventy, no person who, while a citizen of this state, shall fight a duel with a deadly weapon, send or accept a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly convey a challenge, or aid or assist in any manner in fighting a duel, shall be capable of being elected or appointed to, or of holding, any office or post of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this commonwealth. Every person who may have been the bearer of such challenge or acceptance, or otherwise engaged or concerned in any duel, may be required, in any prosecution against any person but himself for having fought, or aided, or abetted in such duel, to testify as a witness in such prosecution; but any statement made by such person, as such witness, shall not be used against him in any prosecution against himself."

2. This act shall be in force from its passage.

Commencement

CHAP. 356.—An ACT for the Relief of One who has Bought or Sold an Office, or the Deputation Thereof, during the time between the 2d of March, 1867, and the 26th of January, 1870.

Approved October 31, 1870.

For relief of those who have bought or sold an office, or deputation thereof, during certain period

1. Be it enacted by the general assembly of Virginia, That no person who, between the second day of March, eighteen hundred and sixty-seven, and the twenty-sixth day of January, eighteen hundred and seventy, shall have sold or let to farm, or shall have contracted to sell or let to farm, or shall have bought or taken to farm, or shall have contracted to buy or take to farm, any such office, post, or the deputation thereof, as is referred to in the fifth section of chapter twelve, Code of Virginia (eighteen hundred and sixty), shall be thereby disabled from holding such office, post, or the deputation thereof.

2. This act shall be in force from its passage.

Commencement

CHAP. 357.—An ACT to Amend Section 10, Chapter 170 of the Code (1860), with regard to Order of Publication.

Approved October 31, 1870.

Code of Va., chap. 170, § 10, amended

1. Be it enacted by the general assembly, That the tenth section of chapter one hundred and seventy of the Code of Virginia (eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 10

"§ 10. On affidavit that a defendant is not a resident of this state, or that diligence has been used by or on behalf of the plaintiff to ascertain in what county or corporation he is, without effect, or that process, directed to the officer of the county or corporation in which he resides, or is, has been twice delivered to such officer more than ten days before the return day, and been returned without being executed, or that the defendant in a suit for a divorce from the bond of matrimony is under sentence to confinement in the penitentiary, an order of publication may be entered against such defendant; and in any suit in equity, when the bill states that the names of any persons interested in the subject to be divided or disposed of are unknown, and makes such persons defendants by the general description of parties unknown, on affidavit of the fact that the said names are unknown, an order of publication may be entered against such unknown parties. Any order under this section may be entered either in court or by the clerk of the court at any time in vacation. In a proceeding by petition, there may be an order of publication in like manner as in a suit in equity."

2. This act shall be in force from its passage.

Commencement

CHAP. 358.—An ACT to Amend Section 1, Chapter 3 of the Code of 1860, Defining who are Citizens of the State of Virginia.

Approved October 31, 1870.

1. Be it enacted by the general assembly, That section first of chapter third of the Code of Virginia of eighteen hundred and sixty, be and the same is hereby re-enacted and amended to read as follows: Code of Va., chap. 3, § 1, amended

“§ 1. All persons born in this state; all persons born in any other state of this Union, who may be or become residents of this state; all aliens naturalized under the laws of the United States, who may be or become residents of this state; all persons who have obtained a right to citizenship under former laws; and all children, wherever born, whose father, or if he be dead, whose mother, shall be a citizen of this state at the time of the birth of such children, shall be deemed citizens of this state.”

2. This act shall be in force from its passage.

Commencement

CHAP. 359.—An ACT to Amend and Re-enact Section 10 of Chapter 14 of the Code of Virginia (1860), with Regard to Pay of Clerks of Court of Appeals, and of the Circuit Court of the City of Richmond.

Approved October 31, 1870.

1. Be it enacted by the general assembly, That the tenth section of chapter fourteen of the Code of Virginia (eighteen hundred and sixty), be amended and re-enacted so as to read as follows: Code of Va., chap. 14, § 10, amended

“§ 10. The clerk of the court of appeals at Richmond, one thousand dollars, and the clerks of the said court at Staunton and Wytheville, five hundred dollars each. The clerk of the circuit court of the city of Richmond, one hundred dollars.”

2. This act shall be in force from its passage.

Commencement

CHAP. 360.—An ACT Amending and Re-enacting the Second Section of an Act entitled an Act to Protect the Oyster Beds in the Waters of the Commonwealth, approved July 11, 1870.

Approved October 31, 1870.

1. Be it enacted by the general assembly, That the second section of an act entitled an act to protect the oyster beds in the waters of the commonwealth, approved July eleventh, eighteen hundred and seventy, be amended and re-enacted so as to read as follows: § 2 of act to protect oyster beds amended

“§ 2. No person, other than a resident citizen of this state, shall catch terrapins or clams, catch, take or plant oysters in the waters thereof, or in the rivers Pocomoke or Potomac;

and if any person, other than such citizen of this state, shall catch terrapins or clams, catch, take or plant oysters in the waters thereof, or in the rivers Pocomoke or Potomac, he shall be deemed guilty of a misdemeanor, and upon conviction, he shall be fined five hundred dollars, and the vessel, tackle, and appurtenances so employed, shall be forfeited to the commonwealth; and at the discretion of the court, he may be imprisoned not more than six months; and any non-resident shall be deemed to have violated this section who shall allow oysters purchased by him for sale, and laid out in said waters until he has purchased his cargo, to remain so laid out more than ninety days; but this shall not extend to a citizen of Maryland taking oysters in the two above named rivers. But this section shall not be construed to give to citizens of Maryland the right to catch, take or plant oysters in any creek, cove, or inlet, tributary to said rivers."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 361.—An ACT to Amend Section 3 of Chapter 129 of the Code of 1860, in Relation to Transfer of Property of Ward to Another State.

Approved October 31, 1870.

Code of Va.,
chap. 129, § 3,
amended

1. Be it enacted by the general assembly, That section three of chapter one hundred and twenty-nine of the Code of Virginia (eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 3

"§ 3. When any minor or insane person entitled to property or money in this state resides out of it, on the petition of a guardian or committee lawfully appointed and qualified in the state or country of his residence, the circuit or county court of the county or corporation in which the estate may be, may order the guardian or committee in this state, if there be one, to pay and deliver to such foreign guardian or committee, or his agent or attorney, all personal property and money in his hands belonging to said ward or insane person, and authorize such foreign guardian or committee to sue for, recover, and receive all money or personal property which may belong to his ward or insane person, including the accruing rents of his real estate, in like manner as if he were appointed a guardian or committee of such ward or insane person in this state, and remove the same to the state or country in which said foreign guardian or committee was appointed and qualified."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 362.—An ACT to Authorize the Common Council of the city of Petersburg to Borrow Money, and issue and sell coupon bonds of said city, to an amount not exceeding \$300,000, bearing interest not exceeding twelve per centum per annum.

Approved October 31, 1870.

1. Be it enacted by the general assembly of the commonwealth of Virginia, That it shall be lawful for the common council of the city of Petersburg, in the name and for the use of said city, to borrow money to an amount not exceeding the sum of three hundred thousand dollars, at a rate of interest not exceeding twelve per centum per annum; and for that purpose, said common council shall have power and authority to provide by ordinance for the making, issuing, and selling of coupon bonds of the said city of Petersburg, to an amount not exceeding the sum of three hundred thousand dollars, in such sums, and payable at such times, and bearing such rate of interest, not exceeding twelve per centum per annum, payable semi-annually, as said council may prescribe.

Common council of city of Petersburg authorized to borrow money

2. Be it further enacted, That it shall be the duty of said common council to use and apply the money borrowed, or realized by the sale of bonds as aforesaid, first, to the payment of the principal and interest of the bonds of the former town of Petersburg, and of the city of Petersburg, which are now due and payable. The residue of said money, if any, shall be used and applied to and for the uses of said city, in such manner as said council may prescribe.

Money; how used

3. This act shall be in force from its passage.

Commencement

CHAP. 363.—An ACT Providing for the Return by the Treasurer of the State, to J. R. Anderson & Co., of Certain Virginia Coupon and Registered Bonds.

In force November 2, 1870.

1. Be it enacted by the general assembly of Virginia, That the treasurer be and he is hereby authorized and required, upon the payment of sixteen dollars and twenty cents, the amount due upon a settlement of accounts between the state and J. R. Anderson and Company, with legal interest thereon from the first day of May, one thousand eight hundred and sixty-one, until paid, to deliver to the said J. R. Anderson and Company, certain Virginia coupon and registered bonds, deposited with the treasurer by said J. R. Anderson and Company, in the year one thousand eight hundred and sixty-one, as collateral security for the purchase money of eight thousand stand of arms, at one dollar and fifty cents a piece, delivered by the state to the said J. R. Anderson and Company, in pursuance of a contract made and entered into in the early part of the year one thousand eight hundred and sixty-one, between the state and the said J. R. Anderson and Company, for

Return to J. R. Anderson and Company of certain Virginia bonds by the treasurer

the construction of machinery for the manufacture of rifle guns, to wit:

One Virginia coupon bond, number thirteen thousand one hundred and fourteen, dated January first, one thousand eight hundred and sixty-one, for the sum of one thousand dollars, with coupons attached, from the first day of January, one thousand eight hundred and sixty-two, to the first day of January, one thousand eight hundred and ninety-five, both inclusive.

One Virginia registered bond, number five hundred and sixty, dated the first day of November, one thousand eight hundred and sixty, in the name of Joseph R. Anderson and Company, for five thousand and one hundred dollars, issued under act of twenty-third of March, one thousand eight hundred and sixty, "James river and Kanawha company;" and

One Virginia registered bond, number three thousand two hundred and two, dated October tenth, one thousand eight hundred and sixty, in the name of Joseph R. Anderson, for six thousand dollars, issued under act of March twenty-ninth, one thousand eight hundred and fifty-one, "authorizing the issue of registered bonds."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 364.—JOINT RESOLUTION in Relation to the Release of Certain Marylanders Arrested in Catching Oysters in the Waters of Virginia.

Approved October 24, 1870.

Preamble

Whereas, a message has been received from the governor of Virginia, announcing that the governor of Maryland has pledged his state to the observance and maintenance of the boundary between the two states known as the Davidson and Lovatt line, until the question of the correct line can be definitely settled, and asking the release of Marylanders arrested for trespassing on said line:

Governor
authorized to
discharge cer-
tain Maryland-
ers from arrest

Resolved by the house of delegates (the senate concurring), That the governor of the commonwealth be and he is hereby authorized to discharge from arrest the citizens of Maryland who were arrested for violation of the laws of Virginia, in trespassing upon her territory and gathering oysters within her boundaries, and to release the vessels seized.

CHAP. 365.—An ACT Authorizing the Registration of Voters in Hicksford Township, in the County of Greenville.

Approved October 28, 1870.

Preamble

Whereas, the house in which the registration lists of Hicksford township, Greenville county, were deposited, was partially destroyed by fire and otherwise damaged, the building in which they were kept accidentally taking fire:

1. Be it enacted by the general assembly, That the registrar of the said Hicksford township, in the county of Greenville, be authorized and directed, after three days' notice to the voters of said township, proceed to register the voters of said township in the manner prescribed by law, and complete the same by the seventh day of November next. And the said registration shall dispense with the revision required by the registration act.

Registration of voters in Hicksford township

2. This act shall be in force from its passage.

Commencement

CHAP. 366.—An ACT to Incorporate the Town of Berryville, and to Provide a Charter for the Same.

Approved October 29, 1870.

1. Be it enacted by the general assembly of Virginia, That the town of Berryville, in the county of Clarke, as the same has been and shall hereafter be laid off into lots, streets, and alleys, shall be and the same is hereby made a town corporate, by the name and style of The Town of Berryville, and by that name shall have and exercise the powers, and be subject to all the provisions of the Code of Virginia, except so far as may be herein otherwise provided, and may sue and be sued by its corporate name.

Town of Berryville incorporated

2. The corporate limits and bounds of Berryville shall be as follows: beginning at toll-gate on the Berryville and Millwood turnpike; thence running in straight line to the dwelling house of Dr. H. McGuire; thence in direct line to the dwelling house on the farm owned by Treadwell Smith, and but recently occupied by R. R. Smith; thence in direct line to the dwelling house of John W. Bremer; thence in direct line to the mansion house of the Rosemont farm, now occupied by Charles Boswell; thence by direct line to the beginning—the toll-gate aforesaid.

Corporate limits

3. That S. J. C. Moore, Israel Green, J. T. Griffith, C. E. Lippett, Carter Shepherd, John T. Crow, George C. Thomas, Professor William Johnston, and G. E. S. Phillips, are hereby appointed commissioners to divide said town in four wards, a majority of whom may act, which report shall be returned to and secured in the clerk's office of the county court of Clarke county.

Wards

4. The municipal authorities of said town shall consist of a mayor, recorder, and four aldermen, who shall be elected annually. The mayor and recorder shall be elected by the qualified voters of said town, and the voters of each ward shall elect one alderman, who must be a resident of said ward. And all persons qualified to vote in said elections shall be eligible to either of said offices.

Municipal authorities

How elected

5. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except when otherwise provided, including all the powers heretofore vested to the trustees of said town.

Powers of council

Sergeant, treasurer, and assessor
Elections; how conducted

6. There shall be a town sergeant, treasurer, and an assessor of said town, to be elected by the qualified voters.

7. The election shall be conducted by the sergeant of the town, and such assistants, under such supervision, at such places, and under such rules and regulations as the council may prescribe. If the sergeant be absent, or incapable of acting, the elections shall be conducted by such person or persons as the council may appoint.

How certified, contested, &c.

8. The council may prescribe the manner of declaring and certifying elections, of determining contested elections, and of deciding between two or more, when the greatest number of votes shall be equal, and of filling vacancies in the said offices.

Election returns

9. The council in existence at the time of any election shall judge of the election, qualification, and returns of the members

Special elections

newly elected; and should any person returned be adjudged unduly elected, or not qualified to hold the office for which he is chosen, a special election to fill the vacancies shall be held. It shall be the duty of the mayor, as soon as may be after an election, and within ten days thereafter, to call a meeting of the council to examine the returns, and the council shall forthwith cause the persons elected to be notified of their election; and whenever a vacancy shall occur, from any cause, in the office of mayor or recorder, the council, for the time being, shall at once order a special election to be held to fill the vacancy, of which election two weeks' notice shall be given and published by the council.

Vacancy; how filled

Qualification of officers

10. The mayor, recorder, and councilmen shall each, before entering upon the duties of their office, and within two weeks from the day of their election, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their said offices to the best of their abilities, so long as they shall continue therein. The mayor and aldermen shall take said oath before a notary public, and the councilmen before the mayor.

Where one elected, fails to qualify, &c.

11. If any one who shall have been duly elected mayor, recorder, or councilman, shall not be eligible, as herein prescribed, or shall refuse to take the oath or affirmation required under this act, for two weeks from the day of his election, the council, for the time being, shall declare his said office vacant, and shall order a new election for mayor, recorder, or councilmen, as the case may be.

Vacancy in council

12. Whenever from any cause a vacancy shall occur in the office of councilman, the council, for the time being, shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act.

President of council

13. The council shall be presided over at its meetings by the mayor, or in his absence, by the recorder; or in the absence of both mayor and recorder, by one of the councilmen selected by a majority of the councilmen present.

Quorum

14. The presence of the mayor, or recorder, and at least two councilmen, or, in the absence of both mayor and recorder, the presence of three councilmen, shall be necessary to make a quorum for the transaction of business.

15. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws, acts, and orders, which shall be fully indexed, and open to the inspection of any one who is entitled to vote for members of the council. Journal

16. At each meeting of the council, the proceedings of the last meeting shall be read to the council, and shall thereupon be corrected, if erroneous, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal. Proceedings of council

17. The mayor and recorder shall have votes, as members of the council; and in all cases of a tie, the person at the time presiding at the council shall have the casting vote. Casting vote

18. The council, so constituted, shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters, for the public use, and to alter, improve and light the same, and have them kept in good order, and free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to lay off public grounds, and to provide, contract for, and take care of all public buildings proper to the town; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals, from anything dangerous, offensive, or unwholesome; to protect places of divine worship in and about the premises where held; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide, in or near the town, places for the burial of the dead, and to regulate interments in the town; to provide for the regular building of houses or other structures, and for the making of division fences, and for the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage from fires; to provide for the poor of the town; and appoint and publish the places of holding town elections, and the time of holding special elections and polls; to provide a revenue for the town, and appropriate the same to its expenses, and to provide the annual assessment of taxable persons and property in the town; to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property or persons therein, and to preserve peace and good order therein; to keep a town guard; to appoint and order out a patrol for the town, in like manner and for like purposes within the same as the patrol may be ordered out by the county court, or a justice within the county; require and take from the sergeant and treasurer, bonds, with such sureties, in such penalty, as the council may see fit, conditioned for the true and faithful discharge of their duties (all bonds taken Powers of council

by the council shall be made payable to the town by its corporate name); to permit or prohibit the establishment of new places for the interment of the dead in or near the town, and to regulate the same; to erect, or authorize, or prohibit the erection, of gas works or water works in or near the town; to prevent injuries to or pollution of the same, or danger to the water and healthfulness of the town (for all which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the town); to regulate and provide for the weighing and measuring of hay, coal, and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets.

Orders, by-laws,
 &c.

19. To carry into effect these enumerated powers, and all other powers conferred upon the said town or its council, expressly or by implication, in this or any other acts of the general assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws, and ordinances, not contrary to the constitution and laws of Virginia, and to prescribe, impose, and enact, reasonable fines and penalties, or imprisonments in the county jail for a term not exceeding thirty days; all which fines, penalties, and imprisonments, shall be recovered or enforced under the judgment of the mayor of said town, or the person lawfully exercising his functions. And the authorities of said town may, with the consent of the county court of said county, entered of record, have the right to use the jail of said county of Clarke for any purposes for which the use of a jail may be needed by them, under the acts of council or of the state.

Accounts

20. The council shall cause to be annually made up and entered upon its journal, an account and estimate of all sums which are or may become lawfully chargeable on the said town which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is the amount which may be raised from licenses and other sources.

Levy

21. The levy so ordered, may be upon all free male persons within said town over sixteen years of age, dogs, and on all real estate within said town which is not exempted from state taxation, and all such other subjects in said town as may at the time be assessed with state taxes: provided, that the tax do not exceed one dollar on every hundred dollars of the value assessed on real and personal property, or fifty cents per head on each taxable person.

Town license

22. Whenever anything for which a state license is required to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town; and the council may, in any case in which it sees fit, require from the person so licensed, a bond, with sureties, in such penalty and with such condition as it may think proper. Said council may also grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in said town for hire, or as carriers for the public; and may require the owners or keepers of such wagons, drays, and carts using them in the

town to take out a license therefor; and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

23. The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order. Revenue

24. The sergeant shall have power to collect the town taxes, fines, and levies, and shall have power, one month after he shall have received the books of the commissioner of the revenue of said town, to distrain and sell therefor in like manner as a sheriff may sell and distrain for state taxes, and shall have in all other respects, the same powers as a sheriff to enforce the payment and collection thereof. And the said sergeant shall have power to exercise, within the corporate limits of said town, all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process; and he shall be entitled to the same compensation therefor; and he and his securities shall be liable to all the fines, penalties, and forfeitures that a constable is legally liable to for any failure or dereliction in his said office; to be recovered in the same manner and before the same courts that said fines, penalties, and forfeitures are now recovered against a constable. Powers of sergeant

25. There shall be a lien on real estate for the town taxes assessed thereon, from the commencement of the year for which they are assessed. Lien for town taxes

26. The council may order and require real estate in the town, delinquent for the non-payment of taxes, to be sold by the sergeant at public auction for the arrears, with interest thereon, with such per centum as the council may prescribe, for charges, and the surplus shall be paid the owner; and they may regulate the terms on which real estate so delinquent may be redeemed. Sale of lands delinquent

27. The council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the town. Theatrical performances, &c.

28. The council shall have power to require and take from the sergeant and treasurer, bonds, with sureties satisfactory to the council, in such penalty as they may deem sufficient; except that as to the sergeant, it shall not be for a penalty less than three thousand dollars; and said bonds shall be conditioned for the faithful and true performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines, and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order. The treasurer's bond shall be conditioned for the faithful performance of his duty as treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council. Bonds of sergeant and treasurer

29. The mayor shall be the chief executive officer of the town. He shall take care that the by-laws, ordinances, acts, and resolutions of the council are faithfully executed. He shall be ex-officio a conservator and justice of the peace within Duties of mayor

the town, and shall, within the same, exercise all the powers and duties vested in the justices of the peace for the county, except that he shall have no jurisdiction as such in civil causes. He shall have control of the police of the town, and may appoint special police officers when he deems it necessary. It shall be his duty especially to see that peace and good order are preserved, and that the persons and property are protected in the town. He shall have power to issue executions for all fines and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party in default to the jail of Clarke county, until the fine and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

Duties of recorder

30. The duty of the recorder shall be to keep the journal of the proceedings of the council, and have charge of and preserve the records of the town. In the absence from town or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of the mayor, and be invested with all his powers. He shall be a conservator of the peace within the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

Absence, &c., of mayor, &c.

31. In case of the absence from town or sickness of both mayor and recorder, and in case the offices of mayor and recorder are both vacant at the same time, the council shall, by vote of a majority present, appoint one of their own number to fill each office until the mayor or recorder may return to resume their duties, or a new election is had of said officers.

Duties of sergeant

32. It shall be the duty of the town sergeant to collect the taxes, fines, and other income and other revenue of the town, as specified in his bond, and to account for and pay the same to the treasurer at such time as the council may order. And it shall be his duty, at least once every six months, during his continuance in office, and oftener, if thereto required by the council, to render an account of the taxes, fines, and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency; to which list he shall make oath that he has used due diligence to collect the same, but has been unable to do so. The council shall, if it be satisfied he could not have collected the said claims by use of due diligence, allow them. But if the council shall be of the opinion that, by the use of due diligence on the part of the sergeant, he could have collected any of the said taxes or other claims, then he shall be chargeable with such as he might have collected. The said sergeant shall do and perform all the other acts appertaining to the office of sergeant of a corporation, and of a police officer and constable, within said town; and as such shall have the same powers, duties, fees, and liabilities as are by law prescribed to a constable. He shall

for his services receive such compensation as shall be fixed by the council.

33. All moneys belonging to the said town shall be paid over to the treasurer; and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall pay the same upon the certificate of the recorder, or in his absence, upon certificate of the mayor.

Moneys of the town

34. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held in Clarke county, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said town, on ten days' notice.

Liability of treasurer

35. Before entering upon the duties of their office, the sergeant and treasurer shall make oath or affirmation before the mayor or person who for the time being shall preside at the council meeting, that they will truly, faithfully, and impartially discharge the duties of their office so long as they shall remain therein.

Oath of sergeant and treasurer

36. And if the sergeant shall fail to collect, account for, and pay over all the taxes, fines, and other revenue of the town in his hands for collection, according to the condition of his bond, it shall be lawful for the council to recover the same, by motion, in the corporate name of the town, before any court of record of the said county of Clarke, against the said sergeant and his sureties in his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same.

Liabilities of sergeant

37. The said town, and the taxable persons and property therein, shall be exempt and free from the payment of any poor rates or road tax, and from contributing to any county expenses for any year in which it shall appear that said town shall, at its own expense, provide for its own poor and keep its streets in order.

Poor rates, &c.

38. The council shall have the power to make such ordinances, by-laws, orders, and regulations as they may deem necessary to prevent hogs, dogs, and other animals from running at large in the limits of the corporation, and may subject the same to such fines, regulations, and taxes as they may deem proper, and which fines and taxes shall constitute liens on the same, and the said animals may be sold after ten days' notice, to enforce payment of said fines and taxes.

Hogs, dogs, &c.

39. The council shall not take or use any private property for streets or other public purposes without making to the owner or owners thereof just compensation for the same. But in all cases where the said corporation cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for said corporation to apply to and obtain from the county court of Clarke or the circuit court thereof, for authority to condemn the same, which shall be applied for and proceeded with according to law.

Property for public purposes

Rights, privileges, &c., heretofore acquired

40. All the rights, privileges, and properties of the said town, heretofore acquired and possessed, owned and enjoyed, by any act now in force, not in conflict with this act, shall continue undiminished, and remain vested in said town under this act; and all laws, ordinances, acts, and resolutions of the trustees now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.

41. All acts and parts of acts in conflict with this act are hereby repealed.

Commencement

42. This act shall be in force from its passage.

CHAP. 367.—JOINT RESOLUTION Requesting the Governor to Return to the Senate Senate Bill No. 177, in Relation to Juries.

Agreed to November 1, 1870.

Senate bill 177

Resolved (the house of delegates concurring), That the governor be and he is hereby respectfully requested to return to the senate senate bill number one hundred and seventy-seven, in relation to juries.

CHAP. 368.—JOINT RESOLUTION Authorizing the Keeper of the Rolls to Retain House Bill No. 289.

Agreed to November 1, 1870.

House bill 289

Resolved (the house of delegates concurring), That the keeper of the rolls be and he is hereby authorized to retain house bill number two hundred and eighty-nine, entitled an act to amend and re-enact sixth section of an act providing for the reassessment of the lands throughout the commonwealth, approved July ninth, eighteen hundred and seventy.

CHAP. 369.—JOINT RESOLUTIONS for the Better Enforcement of the Laws Regulating the Potomac and Rappahannock Fisheries.

Approved November 1, 1870.

Preamble

Whereas, the laws relating to the fisheries on the Potomac and Rappahannock rivers are being violated, and the citizens of those counties immediately upon said rivers, and the proprietors of the fishing shores thereon, are constantly suffering great pecuniary loss from such violations, and should be protected therefrom; and whereas, it is impossible that the present laws can be enforced, unless some extraordinary step be taken to enforce the same: therefore,

1. Be it resolved by the general assembly, That the auditor of public accounts be directed to order one of the steamers belonging to the state to cruise upon the Potomac and Rappahannock rivers, and enforce the existing laws respecting the fisheries on said rivers. Steamer to cruise on Potomac, &c.

2. That the said steamer shall continue to enforce the said laws as long as the fishing season continues; and that the auditor of public accounts furnish the commander of said steamer with the laws aforesaid, and give him full power and authority to enforce the same: provided, that the auditor of public accounts be allowed to exercise his discretion as to when one of the said steamers can be detached for this service, without detriment to the oyster service, to which they have been regularly assigned. How long to cruise
Proviso

CHAP. 870.—An ACT to Provide a Charter for the town of Front Royal.

Approved November 1, 1870.

Whereas, it is made known to the general assembly that the town of Front Royal, in the county of Warren, has grown beyond the limits of said town, as established by an act of the general assembly passed on the fifteenth November, seventeen hundred and eighty-eight, and that the several enactments heretofore made by the general assembly—one on the twenty-seventh March, eighteen hundred and thirty-seven, and one on twenty-sixth February, eighteen hundred and fifty—for the good government of said town, are ineffectual for that purpose: therefore, Preamble

1. Be it enacted, That all acts heretofore passed by the general assembly for the establishment of the town of Front Royal and its government, be and the same are hereby repealed, and that hereafter said town shall be embraced within the following corporate limits, to wit: beginning at the upper corner of Brent's lot, on Happy creek; thence down said creek to the lower end of Hope and Haynie's mill property, embracing the house and lot formerly occupied by James T. Hope; thence up the road leading into the town by way of the old depot to the point where Peter Harmer's lot corners with William Buck's land; thence with said Buck's line around the bank of said town to the lane running from Buck's mill to the Winchester turnpike; thence up said lane to said turnpike; thence up said turnpike to the corner of Mrs. William Boling's and Mrs. King's lots, on the west side of said turnpike; thence in a westerly direction with their line to Lionberger's line; thence along the line between Mrs. King and Lionberger to the back line of their lots; thence in a southerly direction with the back line of Lionberger's, Frior's, and Ashby's lots to a corner of the woods in Ashby's line, where there was formerly a gate on the old road leading to Dr. J. N. Buck's; thence in a direct line to Ashby's barn; thence in a southerly direction with Ashby and Beecher's line to a white Acts heretofore passed, concerning town of Front Royal, repealed
Boundaries

oak, corner of Ashby, Beecher, and Gardner; thence in an easterly direction with Beecher and Gardner's line to the Luray turnpike; thence across said turnpike to the corner of Clark's and Gardner's lands; thence with their line to Brent and Gardner's line; thence with Brent's back line to the beginning, on Happy creek.

Annual election;
how held, and
for what officers

Vacancies; how
filled

Powers of trustees

President of
board

Sergeant

2. The judges of election for the township of Front Royal, are hereby authorized and directed to hold an election annually on the third Saturday in November, eighteen hundred and seventy, and annually thereafter on the fourth Thursday in May, at the courthouse in said town, for five trustees and a sergeant for said town: provided, that if at any election there be a tie vote for trustee or sergeant, then the said judges shall determine, by lot, which of said candidates shall be elected: and provided, that if any vacancy shall happen in the office of trustee or sergeant, said vacancy shall be filled by the other trustees: and provided also, that if, from any cause, an election be not held at the time prescribed, then the trustees and sergeants in office shall continue in office until the next succeeding annual election. The said board of trustees shall choose one of their own number to be president of the said board. Said trustees and sergeant shall enter upon the duties of their office on the first day of December, eighteen hundred and seventy, and annually thereafter on the first day of July; but before entering upon said duties, each of them shall make oath or affirmation, before some justice of the peace for said county, that he will faithfully and honestly, to the best of his ability, perform his duty. Said board of trustees shall meet for the transaction of business as often as any two of them may think proper, upon reasonable notice being given to the other trustees; and any three of said trustees shall constitute a quorum.

3. The said trustees of said town are hereby empowered to make such by-laws and ordinances, not contrary to the law and constitution of this state or of the United States, as they may deem necessary and proper for the security, improvement, and good government of said town; and any person or persons who shall violate any by-law or ordinance, passed by said trustees in pursuance of the power hereby vested in them, shall be subject to such fine as such trustees shall have established for the violation of said by-laws or ordinances, not exceeding five dollars for any one offence, which fine or fines, and the costs of prosecution, shall be recoverable before any justice of the peace in and for the county of Warren, by warrant, in the name of the trustees of the town of Front Royal, and by them applied for the improvement of said town.

4. In as far as it is necessary for carrying into effect this act, the president of said board of trustees shall have all the powers of a justice of the peace, except in cases for the recovery of the fines hereinbefore mentioned; and the sergeant of said town shall have all the powers of a constable for the purposes of carrying into effect this act. Said sergeant shall also be collector of the town taxes, and shall perform such other ministerial duties as may be imposed upon him by the said board

of trustees, and for his services shall receive a reasonable compensation, to be determined by the said trustees. The said sergeant shall give a bond, with good security, in the penalty of one thousand dollars, to honestly account for all money coming into his hands as collector. The said board of trustees shall appoint, from their own number, a treasurer, who shall give a bond, with good security, in the penalty of one thousand dollars, to honestly account for all money coming into his hands as treasurer. Treasurer

5. The trustees of said town may, in their discretion, levy a tax of not exceeding five hundred dollars upon the real and personal property and other subjects of taxation within the corporate limits of said town, the value of which property shall be ascertained in such manner as the trustees may think best; and said trustees may also impose such other tax, and require such labor of males, between the ages of sixteen and sixty, as may be lawful and constitutional. On failure to pay the taxes and fines before mentioned, the sergeant of said town is empowered to distrain for them, in case of an adult, in the same manner as county taxes are distrained for, and in case of an infant, from the parent or guardian of said infant. Taxation

6. The trustees shall keep open for public examination a full and complete record of all their proceedings, and shall, at the end of their term, deliver to their successors in office all books and papers in their possession concerning said town, with a strict account of the money which may have come into their hands as trustees, and the manner in which it was expended by them; and on failure to account satisfactorily for money coming into their hands, or to pay over that which may be unexpended, the trustees succeeding to office may, on ten days' notice to the defaulter or defaulters, recover the same, by motion, in the county court of Warren county. Records

7. This act shall be in force from its passage. Commencement

CHAP. 371.—An ACT to Authorize the County of Albemarle to Borrow Money to Rebuild Bridges Destroyed by the Recent Flood of September, 1870.

Approved November 1, 1870.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county be and they are hereby authorized and empowered, at any meeting at which a majority of said supervisors shall be present, to issue bonds, in the name of the county of Albemarle, for a sum not exceeding in the aggregate thirty thousand dollars, and to sell the same, and with the proceeds of sale to rebuild the bridges belonging to said county destroyed by the recent flood of September, eighteen hundred and seventy. Board of supervisors of Albemarle authorized to borrow money to rebuild bridges

2. That the bonds issued in pursuance of this act shall be made payable within not less than two nor more than ten years from the date thereof, and shall bear interest, payable annually, Bonds; how payable

at a rate not exceeding ten per centum, and shall be signed by the president of the said board of supervisors, be attested by the clerk of the county court of Albemarle, and have the seal of the said court affixed thereto.

Levy; how
made for pay-
ment of said
bonds

3. That the debts contracted and evidenced by said bonds shall be levied for by the said board of supervisors upon such subjects of taxation as are or may be liable by law for the county levy; and that the faith of the said county is pledged for the punctual payment of the principal and interest of said bonds, when the same shall become due.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 372.—An ACT to Amend and Re-enact the First Section of an Act entitled an Act Prescribing the Duties and Compensation of County Officers, approved July 11, 1870.

Approved November 1, 1870.

§ 1 of act as to
duties, &c., of
county officers,
amended

1. Be it enacted by the general assembly of Virginia, That the first section of an act entitled an act prescribing the duties and compensation of county officers, approved July eleventh, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 1

“§ 1. The duties, compensation, and liabilities of sheriffs, attorneys for the commonwealth, and clerks of the county and circuit courts, shall be the same as are now or may hereafter be prescribed by law, except that the sheriff, after the year eighteen hundred and seventy, shall not collect the state revenue or county levy, and that the attorney for the commonwealth shall not be allowed a fee in any case of felony or misdemeanor, unless the same be prosecuted to conviction or a judgment for the commonwealth. Said officers shall be in all respects subject to existing laws relating to their respective offices, so far as the same are applicable. The officers mentioned in this section shall, at the time of their election, reside in the county for which they are elected, and the removal of any such officer from the county in which he resided when elected shall vacate his office.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 373.—An ACT for the Relief of James Cloyd and other Sureties of Andrew Miller, late Sheriff of Pulaski County.

Approved November 1, 1870.

For relief of
sureties of An-
drew Miller

1. Be it enacted by the general assembly of Virginia, That James Cloyd and others, sureties of Andrew Miller, late sheriff of Pulaski county, be and the same are hereby relieved from the payment of four hundred and eighty-two dollars and eleven cents, amount of damages recovered by the commonwealth

against the said Andrew Miller and his sureties, in the circuit court of Richmond, on the eleventh day of June, eighteen hundred and sixty-nine, the principal and interest at ten per centum having already been paid into the treasury, and that the lien of said judgment on the land of said Miller, in the county of Pulaski, purchased by his said sureties to protect themselves from loss, be and the same is hereby released and discharged.

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 374.—An ACT Appointing Cattle Inspectors.

Approved November 1, 1870.

1. Be it enacted by the general assembly of Virginia, That whenever any Spanish, Mexican, Texas, or Indian cattle arrive within any of the counties of this state, except between the tenth day of November and the tenth day of March in each year, the county courts of such county or counties are hereby authorized to appoint three competent and discreet persons in said county or counties to form and constitute a board for the inspection of cattle in said county or counties, supposed to be distempered or affected with a disease called the Texas or Spanish fever, and such board, or a majority of them, shall have the power and authority, and shall perform the duties hereinafter mentioned. Said board shall be called Board of Cattle Inspectors.

Cattle inspec-
tors; how ap-
pointed

2. Whenever the county court of any county in this state shall appoint a board for the inspection of cattle under this act, the clerk of the county court of such county shall, without delay, make out a commission to each member of said board, under the seal of the said court, which commission shall be signed by the judge of said court, and countersigned by the clerk, and it shall be the duty of such clerk to deliver such commissions without delay.

Their commis-
sion

3. The board thus appointed in any county shall meet immediately after receiving their commissions, and being qualified, select one of their number president of their board; and the president of said board shall, upon his personal knowledge, or receiving information from others, that any Spanish, Mexican, Texas, or Indian cattle are roaming or feeding at large, or are herded in the county, or are being driven or transported into or through the county, under any pretext whatever, without delay give notice to the other members of the board of such information or knowledge, and they, or a majority of them, shall proceed to the place where such cattle may be in the county, and the president of said board shall notify the person or persons having such cattle in charge, that the board will proceed to an examination of said cattle, and also hear proof, and to determine whether said cattle are liable to be condemned and adjudged to be affected with what is commonly

Meeting and
mode of pro-
ceeding

known as Texas or Spanish fever, or capable of imparting the same or any other disease, and killed under the provisions of this act.

Examination of witnesses, and control over sheriff or constable

4. Said board, or any member thereof, shall have power to administer oaths to any witness brought before them, and the president of said board, or any other member thereof acting as such, may, whenever they deem it necessary, call upon the sheriff, or any constable of the county, who shall, when required to do so, assist them, and furnish a sufficient posse to stop any drove of cattle being driven, or about to be driven, through their respective counties, and enforce all orders of said board necessary to carry out the provisions of this act.

May order cattle to be killed

5. If upon examination of such cattle, and receiving evidence in relation thereto, the board find, adjudge, and decide said cattle to be diseased, or in a condition to communicate any contagious or infectious disease called or known as the Texas or Spanish fever, the president of said board, or other member acting as president, shall issue, under his hand, a writ, directed to the sheriff, or any constable of the county, commanding him to proceed, without delay, to kill all of such cattle, if such board should think it necessary, to prevent the imparting of the Texas or Spanish fever to other cattle.

Punishment of persons obstructing, &c.

6. Any person or persons who shall knowingly and wilfully obstruct, resist, oppose, assault, beat, or wound any officer while executing any writ, or performing any of the duties required by this act, shall be arrested, and upon conviction, shall suffer all the pains and penalties now prescribed by law, in case said officer had been engaged in the execution of any writ or order from any court.

Return of officer

7. The officer executing a writ under this act, shall make a return thereon within five days thereafter to the president of said board, stating in full and in what manner he executed such writ, how many cattle were killed, if any, and the president of the board shall cause such writ, with the return thereon, to be filed in the office of the clerk of the county court.

Vacancies, &c.

8. If the president of the board shall die, resign, or refuse to serve, or be absent, any other member of said board may act as president, and a majority of said board are hereby authorized to act and perform any duty imposed upon said board under this act, and the county court may fill any vacancy in said board in term time or vacation.

Term of office, and compensation

9. Each person appointed inspector under this act, shall hold his office until his successor shall be appointed and qualified, and shall be allowed two dollars per day for each day he may be actually employed, to be audited by the board of supervisors of the said county, and paid as other county expenses. All officers executing writs under or by virtue of any of the provisions of this act, shall be allowed the same fees as are allowed by law for similar services in other cases, to be paid out of the county treasury.

No liability for damages

10. No such inspector, or any officer acting under the authority of said board of cattle inspectors, shall be liable to any action or to pay any damages for executing or carrying out the

provisions of this act, or any writ or process issued in pursuance thereof.

11. Whenever any cattle shall be ordered to be killed, as provided in this act, the party owning, and also the party or parties driving such cattle, shall be liable for all the costs that may accrue in killing. The president, or the person acting as president of said board of cattle inspectors, shall issue an execution for the amount of said costs against the owner or owners, and driver or drivers of such cattle, directed to the sheriff or constable of the county, which execution shall have the same force and effect as any other execution which is now by law directed to such officer, and shall be made returnable to the president of said board. If such execution is returned not satisfied, or returned satisfied in part, the county shall pay the amount not satisfied.

Costs; how paid

12. Nothing contained in this act shall apply to any Spanish, Mexican, Texas, or Indian cattle now within this state.

Exception

13. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts

14. This act shall be in force from its passage.

Commencement

CHAP. 375.—An ACT to Provide Artificial Legs for Citizens of the Commonwealth who lost their Legs during the late war.

Approved November 1, 1870.

1. Be it enacted by the general assembly, That the governor, auditor of public accounts, and Dr. H. L. Thomas, of the city of Richmond, who are hereby constituted a board for the purpose, are directed to contract for and furnish to every citizen of this commonwealth, who lost a leg in the late war, an artificial leg to supply the place of the one so lost: provided, that the applicant has heretofore furnished, or shall hereafter furnish, a certificate from the court of his county or corporation, showing that he is a citizen of this state, that he lost his leg in the late war, and was a citizen of this state at the time of the loss of said leg, or in a military corps of the state: and provided further, that he has not received an artificial leg from any other state, the United States, or under the provisions of an act entitled an act to provide artificial limbs for citizens of this commonwealth who lost their limbs in the late war, passed January twentieth-ninth, eighteen hundred and sixty-seven.

Board for supply of artificial legs

Proviso

2. The sum of twenty thousand dollars (if so much is required for the purpose) is hereby appropriated to defray the charges and expenses attending the execution of the provisions of the foregoing section, to be paid by the treasurer as the same may be required, out of any money not otherwise appropriated, upon the order of the auditor, countersigned by the governor.

Appropriation therefor

Commission to
examine pat-
terns

3. Doctors B. R. Wellford, L. S. Joynes, J. B. McCaw, Hunter McGuire, R. S. Coleman, F. D. Cunningham, J. S. Wellford, O. F. Manson, R. S. J. Peebles, and J. S. D. Cullen, of the Medical college of Virginia, are hereby constituted a commission to examine the various patterns of artificial legs that may be submitted to their inspection, or that in any way may be known to them, and recommend to the board such patterns of legs as, in their judgment, combine in the highest degree utility and economy.

Powers of board

4. The board may make such rules and regulations as it may deem suitable to carry this act into effect, and shall contract for and furnish such patterns of artificial legs as it may think best adapted to the purpose intended by this act.

Surgeon for
board

5. Dr. H. L. Thomas, or his successor, as a member of the board, shall act as surgeon for the board; and it shall be his duty to see that each leg furnished, is well made, of good materials, and that it is well fitted and adjusted to the person receiving it; and the said surgeon shall receive, as compensation for his services, not exceeding two dollars for each leg furnished.

How vacancy
supplied

6. Should the office of Dr. H. L. Thomas, as a member of the board, become vacant, either temporarily or permanently, the other members of the board shall appoint another surgeon to supply his place, either temporarily or permanently, as the case may require.

Commence-
ment

7. This act shall be in force from its passage.

CHAP. 376.—AN ACT for the Prevention of Prize-Fighting within the State of Virginia.

Approved November 1, 1870.

Prize fighting;
punishment of

1. Be it enacted by the general assembly of Virginia, That every person who, by previous engagement or arrangement, meets another person and engages in a fight, commonly known as a prize-fight, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding one thousand dollars, or both, in the discretion of the jury.

Persons present

2. Whoever is present at such fight as an aid, second or surgeon, or advises, encourages, or promotes such fight, shall be punished by imprisonment in the state prison not exceeding three years, or by fine not exceeding five hundred dollars, or both.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 877.—An ACT to Amend and Re-enact Sections 14 and 15 of an Act entitled an Act for the Assessment of Taxes, approved July 9, 1870.

Approved November 1, 1870.

1. Be it enacted by the general assembly of Virginia, That sections fourteen and fifteen of the act approved July ninth, eighteen hundred and seventy, entitled an act for the assessment of taxes, be amended and re-enacted so as to read as follows:

Act for assessment of taxes amended

"On deeds.

"§ 14. On every deed, not exempt by law, admitted to record, and on every contract relating to real estate, whether it be a deed or not, which is admitted to record, the tax shall be one dollar, where the consideration of such deed or contract does not exceed one thousand dollars; and for every additional one hundred dollars, or fraction of one hundred, in excess of one thousand dollars, an additional tax of ten cents. But any deed, will, or contract may be re-recorded in the same office where the records containing such deed, will, or contract has been destroyed by fire or otherwise, free of the state tax: provided, that but one such tax shall be collected on any such deed or contract.

§ 14
Tax on deeds

"On suits.

"§ 15. First—When any original suit, notice, ejectment, or attachment (other than a summons to answer a suggestion sued out under the eleventh section of chapter one hundred and eighty-eight of the Code), or other action, except a suit in chancery, is commenced in a circuit, county, or corporation court, there shall be a tax thereon, if the amount of debt or demand for damages shall not exceed five hundred dollars, of one dollar, and for every additional one hundred dollars, or fraction of one hundred, in excess of five hundred dollars, an additional tax of ten cents.

§ 15
On suits

"Second—Upon every appeal, writ of error, or supersedeas, in a circuit court, there shall be a tax thereon of three dollars; and upon every appeal, writ of error, or supersedeas, in the supreme court of appeals, there shall be a tax of six dollars.

Appeals, &c.

"Third—Upon every chancery suit, originating either in a county, corporation, or circuit court, there shall be a tax of one dollar."

Chancery suits

2. This act shall be in force from its passage.

Commencement

CHAP. 878.—An ACT to Amend and Re-enact Section 1 of Chapter 15 of the Code of Virginia (edition of 1860), in Relation to the Time of Meeting of the General Assembly.

Approved November 1, 1870.

Code of Va.,
chap. 15, § 1,
amended

1. Be it enacted by the general assembly, That section one of chapter fifteen of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows:

§ 1

"§ 1. The general assembly shall meet on the first Wednesday in December, in the year eighteen hundred and seventy, and every year thereafter. It shall sit at the capitol, in the city of Richmond, but may adjourn to any other place."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 879.—An ACT Concerning the Estate of Uriah P. Levy, the Management of the Same by the Board of Education, and for Other Purposes.

Approved November 1, 1870.

Preamble

Whereas, Uriah P. Levy, formerly of Virginia, but at the time of his death of the city of New York, by his last will and testament, devised his farm at Monticello, in Virginia, formerly belonging to President Thomas Jefferson, together with all the rest and residue of his estate, real, personal, or mixed, not thereby disposed of, after paying certain legacies and bequests therein contained, and especially all his real estate in the city of New York, wherever and however situated, to the people of the United States, or such persons as congress shall appoint to receive it, in trust for the sole and only purpose of establishing and maintaining at said farm at Monticello, in Virginia, an agricultural school, for the purpose of educating, as practical farmers, children of the warrant officers of the United States navy, whose fathers are dead; said children to be educated, in a plain way, in the ordinary elementary branches, to fit them for agricultural life, and to be supported entirely by this fund, from the age of twelve to sixteen, and each of them to be brought up to do all the usual work done on a farm; the said farm to be so cultivated by the said boys and their instructors as to raise all they may require to feed themselves and the schoolmaster, and one other teacher, and one superintendent of said farm; and whereas, he also gave and bequeathed, for the purpose of giving such fuel and fencing for said Monticello farm school, two hundred acres of wood land of his Washington farm, called the Bank farm, in Virginia; the said two hundred acres to be taken off from said farm therein devised to his nephew Ashel, and to be designated by said Ashel. In establishing said farm-school, he especially required that no professorships be established in said school, or professors be employed in said institution, his intention in establishing the school being charity and usefulness, and not

for the purpose of pomp; and whereas, the said institution must be kept within the revenue derived from said endowment, and under no circumstances can any part of the real or personal estate therein devised be disposed of, but the rent and income of all said estate, real and personal, to be held forever inviolate for the purpose of sustaining said institution, it being the opinion of the testator that the estate and lands in New York can be leased to a great advantage for that purpose; and whereas, the testator, by his said will, further provided that should the congress of the United States refuse to accept of the said bequest, or refuse to take the necessary steps to carry out this intention, he then devised and bequeathed all the property thereby devised, to the people of Virginia instead of the people of the United States, provided they, by acts of their legislature, accept it and carry it out as thereby directed; and whereas, it is the wish and intention of the people of Virginia to accept said bequest and devise, and to carry into effect the intentions of the testator as therein declared:

1. Be it therefore enacted by the general assembly, That the board of education shall have full power and authority to receive the estate of the said Uriah P. Levy, devised by his said will to the people of Virginia, for and on account of said state of Virginia, and shall have full power to defend and maintain any suit or suits that may be necessary to enable them fully to recover said estate, and shall have power to cause the same to be paid into and drawn out of the treasury of this commonwealth, in the manner that the money of the literary fund is payable into and out of the treasury; and the treasurer of this commonwealth, and his securities, shall be responsible for the safe-keeping of the said money in the same manner that they are responsible for the safe-keeping of the money of the literary fund. Should any portion of the property so devised be real estate, the said board shall have the further power and authority to hold and manage the same in such manner as will best carry into effect the intentions of the testator as expressed in said will.

Board of education to receive said estate

2. Be it further enacted, That the commonwealth of Virginia shall in no wise be charged with any costs of suits, fees, or expenses heretofore or hereafter incurred in recovering, receiving, managing, or in administering said fund, or in carrying out and sustaining said devise; but that it shall be the duty of the board of education, and of the treasurer of this commonwealth, to open an account of the said fund, to be denominated The Levy Fund, and all payments made from the said estate shall be credited to the said account; all costs of suits, fees, and expenses heretofore and hereafter incurred by the board of the literary fund, in sustaining the devise, and in receiving, managing, and administering the said fund, shall be charged to and paid out of the said fund when the same or any portion thereof may be recovered; and it shall be the duty of the said board, from time to time, as the said fund may be received into the treasury, to invest the net proceeds in the six per centum bonds of this commonwealth, or in other public securities or stocks, bearing an interest of at least six per centum per an-

The Levy fund; under what control, and how managed

Reservation of
right to the
legislature

Commence-
ment

num; which funds, so invested, shall be held by the said board in trust for the uses prescribed by the testator in said will; and the legislature reserves the right, at any time hereafter, to enact such laws as shall be necessary the more effectually to carry out the purposes and intentions of the testator.

3. This act shall be in force from its passage.

CHAP. 380.—An ACT to Authorize Subscriptions to the Stock of the Atlantic and Alleghany Railroad Company by the Counties of Chesterfield, Powhatan, Cumberland, Buckingham, Appomattox, Nelson, Amherst, Rockbridge, the Cities of Richmond and Lynchburg, and the Towns of Manchester and Lexington.

Approved November 1, 1870.

Certain counties
and towns
authorized to
take vote as to
subscriptions to
Atlantic and
Alleghany rail-
road company

1. Be it enacted by the general assembly, That it shall be lawful for the county court, or the council or board of trustees of any of the following counties, cities, or towns, to wit: Chesterfield, Powhatan, Cumberland, Buckingham, Appomattox, Nelson, Amherst, Rockbridge, Richmond, Lynchburg, Manchester, Lexington, to make an order requiring the sheriff, or sergeant and commissioners of election, at a time to be designated in such order, not less than one month from the date thereof, to open polls and take the sense of the legal voters of such county, city, or town, on the question whether such county, city, or town shall subscribe to the stock of the Atlantic and Alleghany railroad company, which has been chartered to construct a railroad through, by, or near such county, city, or town, and by the construction of which, such county, city, or town is likely to be benefited. The said order shall state the maximum amount proposed to be subscribed.

Commissioners
of elections;
how designated,
and their duties

2. The commissioners of election, who, if there be none otherwise legally appointed, may be designated by such court, council, or board of trustees, after taking an oath faithfully to discharge the duties of their office, shall open polls at the various places of voting in such county, city, or town, and at the time designated in said order, and shall conduct such election and close the polls as is provided by law in respect to other elections; and at such election, each of said voters who shall approve such subscription, shall deposit a ticket or ballot, on which shall be written or printed the words: "For the subscription;" and each of said voters who shall be opposed to such subscription, shall deposit a ticket or ballot, on which shall be written or printed the words: "Against the subscription."

Ballots; count-
ing and return
of same, &c.

3. That immediately after closing the polls, the commissioners of election, at the several places of voting in such county, city, or town, shall count the ballots deposited at such election, and shall make return, within ten days after such election, to the judge of such county court, or to the council or board of trustees of such city or town, of the number of votes cast for the subscription and the number of votes cast against the

subscription, and shall also return to and deposit with the clerk of such court, council, or board of trustees, in separate packages, the ballots for and against such subscription; and it shall be the duty of such judge, council, or board of trustees, to cause the ballots to be counted, to correct the polls, and to ascertain and certify the result of such election, and to cause the same to be entered upon the proper record book of such court, council, or board of trustees. And if it shall appear that three-fifths of the votes cast at such election are in favor of the subscription, such judge, council, or board of trustees, shall forthwith enter of record an order requiring the supervisors of the county, the members of the council, or the board of trustees, to meet at a time and place to be designated in the order, to carry out the wishes of said voters. The sheriff or sergeant shall promptly summon the supervisors, councilmen, or members of the board of trustees, in pursuance of said order.

Supervisors,
&c.; how summoned

4. If a majority of the whole number of supervisors, councilmen, or trustees, be present at the time and place so designated, they shall proceed to act; if not, they shall adjourn from time to time until a majority are present. The said supervisors, councilmen, or trustees, a majority of the whole number being present, shall have power to determine what amount of the capital stock, not exceeding the maximum aforesaid, shall be subscribed for on behalf of the county, city, or town, and shall enter of record the amount so agreed to be subscribed; and thereupon, shall appoint an agent or agents to make the subscription, which shall be paid in such instalments as may be agreed upon by such board of supervisors, council, or board of trustees, or as may be called for by the company.

Meeting of
supervisors, &c.

5. For the purpose of paying the quotas on said stock as they may be called for, or the instalments of such subscription as they may fall due, the board of supervisors of the county, or the council or the board of trustees of the city or town, shall have power to appoint an agent or agents to negotiate a loan or loans, and to issue bonds to secure the same, for and in the name of such county, city, or town. Said bonds may be either registered or with coupons, as said board of supervisors, council, or board of trustees, may prescribe; and at the time at which the board of supervisors, council, or board of trustees makes its levy for such county, city, or town, it shall levy on all the lands and other subjects liable to state tax and county or corporation levy in such county, city, or town, such tax to pay the amount of such subscription, or of such loan or loans as may be authorized, and the interest thereon, or to pay the interest on the bonds of the county, city, or town so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors, council, or board of trustees may deem necessary or proper; and from year to year it shall repeat such assessments until the debt and interest be fully paid. But such levy for a year shall not exceed one-twentieth of the whole amount of such subscription and the interest thereon; and such bonds shall be irredeemable for twenty years, and, at the pleasure of the board of supervisors, council, board of trustees, or proper authorities of the county, city, or town,

Quotas on said
stock; loans for
payment of
same, how nego-
tiated

Levy for pay-
ment thereof

Sinking fund

Bonds; when
redeemed

	for a period not exceeding thirty years from the date of the same.
Right to stock ; how to vest	6. The right to stock in the said incorporated company, subscribed by either of said counties, cities, or towns under the authority of this act, shall vest in such county, city, or town ;
Proxies therefor	and the board of supervisors of such county, or the council or other proper authorities of such city or town, shall have power from time to time to appoint proxies to represent the stock in the meetings of the stockholders of the company, and also an agent to collect the dividends on its stock, which dividends, when collected, shall be applied annually in diminution of the county, city, or town levy.
Dividends ; how collected and applied	7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.
Inconsistent acts repealed	8. This act shall be in force from its passage.
Commence- ment	

CHAP. 381.—An ACT to Authorize the Atlantic and Alleghany Railroad Company to Build a Branch Road to Lynchburg.

Approved November 1, 1870.

Atlantic and Alleghany rail- road company authorized to build a branch road to Lynch- burg	1. Be it enacted by the general assembly, That it shall be lawful for, and authority is hereby granted to the Atlantic and Alleghany railroad company, when the same shall be organized and the road completed to some suitable point in the county of Buckingham, to construct a branch road from said point in the county of Buckingham to the city of Lynchburg, or to connect with the Southside railroad at the most eligible point thereon, the said branch road to run near the county seat of said county of Buckingham.
Commence- ment	2. This act shall be in force from its passage.

CHAP. 382.—JOINT RESOLUTION in Relation to the Subject of the Release of the Citizens of Maryland and their Vessels.

Agreed to October 29, 1870.

Captain O. A. Browne	Resolved by the general assembly, That in passing the joint resolution releasing the citizens of Maryland and their vessel property in conformity with the message of the governor, no reflection is intended to be cast upon the official conduct of Captain O. A. Browne in making the arrest of said citizens, but that he is endorsed and commended for his prompt and efficient action.
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CHAP. 383.—An ACT to Amend Section 24 of Chapter 61. Code of Virginia, in Relation to Illegal Tolls on Turnpikes.

Approved November 2, 1870

1. Be it enacted by the general assembly of Virginia, That the twenty-fourth section of chapter sixty-one of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted so as to read as follows: Code of Va., chap. 61, § 24, amended

“§ 24. If any collector shall receive for tolls more than is lawful, the company or person in whose service he may be as such collector, shall pay to the party aggrieved thereby the amount unlawfully received and ten dollars besides, which sum may be recovered, on motion, before the court of the county wherein the said unlawful tolls were received, after ten days' notice, which may be served by leaving a copy of the same with the collector so unlawfully receiving said tolls, or with any member of his family over sixteen years of age, and giving information of its purport to said member of his family; or in the absence of said collector and all such members of his family, by posting the said copy on the front door of his abode.”

2. This act shall be in force from its passage.

Commencement

CHAP. 384.—An ACT to Incorporate the Virginia Telegraph Company.

Approved November 2, 1870.

1. Be it enacted by the general assembly, That Robert Beverly and William Smith, of Fauquier; M. D. Corse and George C. Wedderburn, of Alexandria; J. E. Roller and Jonas B. Lowenback, of Rockingham; A. B. Cochran, of Augusta; E. S. Meem, of Shenandoah; George K. Brigham and C. B. Clusky, of District Columbia; and B. P. Noland, of Loudoun, and such other persons as they shall associate with them, and their successors, are hereby constituted a body politic and corporate, by the name and style of The Virginia Telegraph Company, with authority to open books of subscription to the capital stock of said company. The Virginia Telegraph Company incorporated

2. That the said company, by its corporate name, may sue and be sued in the courts of this commonwealth and elsewhere; shall have a common seal and perpetual succession; may ordain and establish such by-laws and regulations as may be necessary to promote the object and design of its incorporation, not inconsistent with the laws of the state or of the United States. Corporate powers

3. The said company is authorized to erect and maintain all necessary poles and wires, and to construct and operate one or more lines. Poles and wires

4. The said company are hereby authorized to raise a sum of money, not to exceed twenty-five thousand dollars, at a rate of interest not to exceed twelve per centum, by the sale of their May borrow money

	bonds, or by giving a mortgage or deed of trust on their lands and fixtures to secure the same.
Capital stock	5. The capital stock shall not be less than five thousand dollars, nor more than one hundred thousand dollars, divided into shares of twenty-five dollars each; the said capital payable by each subscriber at such time or times, and in such proportion, as it may be called for by the president and directors. The property, funds, and assets of the said company, shall alone be responsible for its debts, obligations, and liabilities.
Votes	6. That each share of stock shall entitle the holder thereof to cast one vote at all meetings of the said company.
Office	7. That the principal office shall be located in the city of Alexandria.
Commencement	8. This act shall be in force from and after its passage, and shall be subject to alteration, amendment, and repeal, at the pleasure of the general assembly, and be subject to the general laws not inconsistent with this charter.

CHAP. 385.—An ACT Providing for the Reassessment of the Real Property Within the Corporate Limits of the Town of Staunton.

Approved November 2, 1870.

Re-assessment of real estate in Staunton	1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of the corporation court for the town of Staunton, to appoint at the November or December term of said court, in the year eighteen hundred and seventy, a proper person to assess the value of all lands and lots, together with the improvements thereon, within the limits of said corporation, according to the terms and provisions of an act entitled an act providing for the reassessment of the lands throughout the commonwealth, approved July ninth, eighteen hundred and seventy.
Commencement	2. This act shall be in force from its passage.

CHAP. 386.—An ACT to Amend and Re-enact the 1st, 8th, and 14th Sections of Chapter 156 of the Code of Virginia, in Relation to Writs of Habeas Corpus.

Approved November 2, 1870.

Code of Va., chap. 156, § 1, 8, and 14, amended	1. Be it enacted by the general assembly of Virginia, That the first, eighth, and fourteenth sections of chapter one hundred and fifty-six of the Code of Virginia, be amended and re-enacted so as to read as follows:
§ 1	"§ 1. The writ of habeas corpus ad subjiciendum shall be granted forthwith by any circuit, corporation, or county court, or any judge of either in vacation, to any person who shall apply for the same by petition, showing, by affidavits or other evidence, probable cause to believe that he is detained without lawful authority."

"§ 8. All the material facts proved shall, when it is required § 8 by either party, be made a part of the proceedings, which, when they are had in vacation, shall be signed by the judges and certified to the clerk of the circuit, corporation, or county court of the county or corporation in which the judgment is rendered, and be entered by him among the records of the court."

"§ 14. Writ of habeas corpus ad testificandum may be § 14 granted by any circuit, corporation, or county court, or any judge thereof in vacation, in the same manner and under the same conditions and provisions as are prescribed by this chapter, as to granting the writ of habeas corpus ad subjiciendum so far as the same are applicable."

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 387.—An ACT for the Relief of Wm. W. Cosby, Executor of R. Payne.

Approved November 2, 1870.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated by law, in favor of William W. Cosby, executor of Roderick Payne, for the sum of three hundred dollars; that being the amount paid by him to the sheriff of Powhatan, as a collateral inheritance tax, improperly and illegally assessed against him for the year eighteen hundred and sixty.

Relief of W. W.
Cosby, executor
of R. Payne

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 388.—An ACT Authorizing the Board of Public Works to Sell the Armory Buildings, Lots, and Water-power.

Approved November 2, 1870.

1. Be it enacted by the general assembly, That the board of public works be and they are hereby authorized and required, if in their judgment expedient, to contract to sell the buildings, lots, and water-power belonging to the commonwealth, situate in the city of Richmond, and known as the Armory property, upon such time and in such manner as to them may seem best for the interests of the commonwealth.

Board of public
works author-
ized to sell
Armory prop-
erty

2. The said board are required to give ample notice, by public notice in such papers as they may choose, of the time, terms, and place of sale; and they are hereby authorized to receive state bonds, at par, in payment for said property.

Notice of such
sale

3. The said board are hereby required to report their proceedings to the general assembly at the first session after the said sale shall be made: provided, that no contract entered

Report to general
assembly

into as provided in the foregoing sections shall be final or operative until ratified and approved by the general assembly.

Expenses of
sale; how paid

4. That all necessary expenses in making said sale shall be payable out of the treasury, upon the warrant of the auditor, out of any money in the treasury not otherwise appropriated.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 389.—An ACT Declaring Certain Portions of the South Branch of the Shenandoah river, and of its South Fork, and of Middle river, a Lawful Fence.

Approved November 2, 1870.

Certain portions
of branches of
Shenandoah
river a lawful
fence

1. Be it enacted by the general assembly, That the south or main branch of the Shenandoah river, beginning at the boundary line between the counties of Warren and Page, and extending thence to the boundary line between the counties of Rockingham and Augusta, and the south fork thereof, beginning at its confluence with the main or south branch of the Shenandoah at Port Republic, and extending thence to the boundary line between the counties of Augusta and Rockingham, and Middle river, in Augusta county, up to Samuel Cline's mill, be and the same are hereby declared a lawful fence.

In case of tres-
pass of cattle,
&c.

2. In case of any trespass of any horse, mule, swine, sheep, goat, or neat cattle of any description, or of any other stock, on lands lying along said rivers between the points designated, the party aggrieved may make complaint to a justice, who shall issue his warrant immediately to a constable, or other person specially deputed, returnable, within five days from date thereof, before him or some other justice, and at the time and place named in said warrant, the case will be tried, and the amount of damages sustained by the complainant shall be ascertained and judgment given for the same, with legal costs, as in case of other warrants: provided, that when the judgment of the justice shall be for a sum exceeding twenty dollars, the defendant may appeal to the county court, and shall thereupon be entitled to demand a trial by jury in said court, and the judgment of said court upon the appeal shall be according to such verdict, subject to the right of said court to set aside the verdict according to the law governing verdicts in other cases.

Lien upon ani-
mals

3. A lien upon the trespassing animals for the payment of the damages and costs thus ascertained, shall attach from the date of the warrant, and shall supersede all other liens, except when this commonwealth or the United States have a previous claim for public dues upon said animals.

Action of tres-
pass saved

4. Nothing in this act shall deprive the party injured of his action of trespass when the damages are laid in a sum exceeding the jurisdiction of a justice of the peace.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 390.—An ACT to Incorporate the Boydton and Ridgeway Turnpike Company.

Approved November 2, 1870.

1. Be it enacted by the general assembly, That the following named persons, viz: J. A. Cheatham, J. D. North, H. C. Cunningham, L. R. Exlim, William Boyd, Dr. Wm. H. Jones, Col. Vanzant, George B. Finch, A. T. Johnston, their associates, successors, and assigns, are hereby constituted a body politic and corporate, under the name of The Boydton and Ridgeway Turnpike Company, with power to make by-laws for its government, provide for election of directors and all other officers, and with all other privileges and incidents belonging to corporations, under chapter sixty-one of the revised Code of Virginia, or any other general law of the state which may at any time be passed.

Boydton and
Ridgeway Turn-
pike Company
Incorporated

2. Said corporation shall have power to make and keep in repair a turnpike road running from Ridgeway, in the county of Warren, North Carolina, to Boydton, in the county of Mecklenburg, Virginia; the dimensions and mode of construction of said road to be determined by the directors of the company.

3. Whenever any land or right of way shall be needed by said company for the purpose of constructing its road, or to supply stone, gravel, or other material, if the parties cannot agree, the same may be taken at a valuation to be made by a commission of five freeholders, to be chosen by any two justices of the peace of the county where the land lies, or by the county commissioners thereof, which valuation, made on oath, shall be returned to the clerk of the county and be recorded. On payment of the valuation, or tender thereof, or in case the owner does not reside in the county, on deposit of the same in the office of the clerk of the county court, the said land or right of way, so valued, shall vest in the company so long as it shall be used for the purposes thereof. Either party may appeal from the decision of the commissioners, but no proceeding had under this section shall hinder or delay the company from carrying on its work. Ten days' notice of the time and place of the meeting of the commissioners shall be given, or if the owner of the land does not reside in the county, then ten days' advertisement in a newspaper published in the county, or if there be none, then at the courthouse door and two other public places in the county, shall be sufficient notice. The right of condemnation shall not, except for material for construction, include more than thirty feet on each side of the centre of the road, but for toll-houses not exceeding one acre may be taken: provided, that this right of condemnation shall not include any yard, garden, orchard, or burial ground.

Material and
right of way;
how taken

4. This act shall be in force from its passage.

Commence-
ment

CHAP. 891.—An ACT to Secure Identification of Persons Convicted of Criminal Offences.

Approved November 2, 1870.

Register of persons convicted of felony, &c.; how kept

1. Be it enacted by the general assembly of Virginia, That the clerk of the court of each county and corporation shall keep a register of full and accurate descriptive lists of every person convicted in his own or any other court of record of his county or corporation, of felony or other infamous offence, and a duly certified and attested copy of any such descriptive list may be used as prima facie evidence of the facts therein stated in any question of identity. Such register shall be kept written up, well indexed, and shall be open to public inspection at all reasonable hours. Such register shall be in the following form:

First page.

Name in full and aliases.	Present and last known residence.	Color.	Height, eyes, hair, and marks.	Apparent or known age.	Occupation.	Offence.
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Second page.

Court in which convicted.	Date of conviction, and page of record.	Whether judgment reversed or pardon granted, and date thereof.
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And each descriptive list shall be attested by said clerk.

Duty of clerks of other courts

2. The clerk of every court of record of each county or corporation, other than the county or corporation court, shall, within ten days from the date of conviction of any person in his court of any offence mentioned in the first section of this act, deliver to the clerk of the county or corporation court, for record in said register, an attested descriptive list of the person so convicted, in the form hereinbefore prescribed.

Duty of judges

3. The judges of the respective courts shall take care that the provisions of this act are punctually and properly carried out by their respective clerks.

Commencement

4. This act shall be in force from its passage.

CHAP. 392.—An ACT to Amend and Re-enact Section 2 of an Act approved July 9, 1870, Providing for the Reassessment of the Lands Throughout the Commonwealth.

Approved November 2, 1870.

1. Be it enacted by the general assembly, That the second section of chapter two hundred and fourteen of the Acts of assembly for eighteen hundred and sixty-nine and seventy, providing for the reassessment of the lands of the commonwealth, be amended and re-enacted as follows: § 2 of re-assessment act amended

“§ 2. Each assessor, before entering upon the duties of his office, shall, before the judge of the county court of his county, in vacation or before said court in term, execute a bond, with good security, in a penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office, and shall moreover take an oath that he will faithfully and impartially, and to the best of his skill and understanding, execute all the duties of his office according to law: provided, if said qualification is in vacation, the certificate thereof and the oath shall be returned to the clerk of the county court, who shall record such certificate, and the fact of the taking of the oath, in the minutes of the next term.” § 2

2. This act shall be in force from its passage.

Commencement

CHAP. 393 —An ACT Appointing Trustees for the Town of Carrborough, in the County of Prince William.

Approved November 2, 1870.

Whereas, by an act of the general assembly passed November twenty-seventh, seventeen hundred and eighty-eight, entitled an act for establishing a town on the lands of Willoughby Tebbs, in the county of Prince William, Cuthbert Bullit, William Carr, John Hodges, Spencer Grayson, John Linton, William Linton, William Grayson, Burr Harrison, and John Cannon, were appointed trustees of the town of Carrborough, in the county of Prince William; and whereas, it was provided by the second section of said act, that in case of the death, removal out of the county, or other legal disability, of any one or more of the said trustees, it should be lawful for the remaining trustees to elect others in their stead; but whereas, all the said trustees have either died, resigned, or removed, by which a vacancy has occurred in all of said officers: and for the purpose of putting in operation the act aforesaid, Preamble

1. Be it enacted by the general assembly, That Aylett Nichol, Thomas Chapman, John Hutchinson, Albert H. Keys, and Anson Bangs, be and they are hereby appointed trustees of the town of Carrborough, in the county of Prince William, with all the rights, powers, and duties conferred on trustees of towns, either by the act of November seventeenth, seven- Trustees for town of Carrborough

teen hundred and eighty-eight, not inconsistent with the general laws of the state relating to towns, or by chapter fifty-four of the Code of eighteen hundred and sixty, or any general acts subsequent thereto.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 394.—An ACT to Amend Section 3 of Chapter 124 of the Code of 1860, in Relation to Partition of Lands.

Approved November 2, 1870.

Code of Va.,
chap. 124, § 3,
amended

1. Be it enacted by the general assembly, That section three of chapter one hundred and twenty-four of the Code of eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

§ 3

“§ 3. When partition cannot be conveniently made, the entire subject may be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interest therein may entitle them to; or in any case now pending, or hereafter brought, in which partition cannot be conveniently made, if the interests of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, the court, notwithstanding any of those entitled may be an infant, insane person, or married woman, may order such sale, or such sale and allotment, and make distribution of the proceeds of sale according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant, or coparcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors. The court making an order for sale shall, when the dividend of a party exceeds the value of three hundred dollars, if such party be an infant or insane person, require security for the faithful application of the proceeds of his interest, in like manner as if the sale were made under chapter one hundred and twenty-eight.”

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 395.—An ACT to Provide for the Registration of the Members and Officers of the General Assembly.

Approved November 2, 1870.

Preamble

Whereas, the members and officers of the general assembly are precluded from applying to be registered in the manner provided by law in their respective counties, by their public duties at the capitol, prior to the election to be holden on the eighth of November, eighteen hundred and seventy: therefore,

1. Be it enacted by the general assembly, That any member or officer of the general assembly may take and subscribe the oath prescribed in section four of an act to provide for a general registration of voters, approved April twelfth, eighteen hundred and seventy, before any person authorized by law to administer oaths, and may apply in writing, or otherwise, to the registrar of his township, ward, or voting place, to be registered; and it shall be the duty of such registrar, on the certificate of the officer administering such oath that the same was taken and subscribed before him, to enter the name of the person so applying in the registration books in its appropriate column, and such registration shall be as valid for all purposes as if made in conformity to the law in force the day before this act takes effect.

Members of
general assembly;
how registered as voters

2. This act shall be in force from its passage.

Commencement

CHAP. 396.—An ACT to Authorize the Qualified Voters of the County of Prince Edward to Vote on the Question of Removing the County Courthouse to the Town of Farmville.

Approved November 2, 1870.

Whereas, numerous and influential citizens of Prince Edward county have, by petition, memorialized the general assembly that the sense of the people of the said county should be taken upon the change of the location of the courthouse of said county: therefore,

Preamble

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the several officers conducting elections in the county of Prince Edward, at the times and places for holding the general election, on the first Tuesday after the fourth Thursday in May, eighteen hundred and seventy-one, or at such other preceding day as the board of supervisors of the said county may designate, provided that public notice of such special election be given in the manner prescribed by law, not less than thirty days previous to such election, to prepare a separate ballot-box for each voting precinct, in which shall be deposited the ballots of the then qualified voters who shall desire to vote upon the question of said removal. The said ballots shall be respectively as follows:

At May election, 1871, separate ballot for or against removal of courthouse to Farmville

For the present location, or

For the town of Farmville.

Each ballot so cast which shall have written or printed thereon, "For the present location," shall be taken and counted as a vote against the removal of said courthouse; and each ballot so cast which shall have written or printed thereon, "For the town of Farmville," shall be taken and counted as a vote for the removal of said courthouse of the county of Prince Edward from its present location to the town of Farmville, in said county.

Ballots therefor

2. The manner of receiving and canvassing the ballots cast at such election on the question of the removal of said court-

Manner of conducting election, &c.

house, and making returns and abstracts of the results thereof, shall conform in all respects to the regulations prescribed by the general election law of this state, except that the certificate of the judges of election shall be as follows:

Form of certificate

We hereby certify that at the election held _____, _____ votes were cast "For present location," and _____ votes were cast "For the town of Farmville."

G. H., }
J. K., } Clerks.

A. B., }
C. D., } Judges.
E. F., }

Abstract of votes

And provided further, that the commissioners of election shall make, on a separate sheet, an abstract of said votes against and for removal of said courthouse of Prince Edward county, which abstract shall be duly signed by said commissioners, and deposited in the office of the clerk of the county court of said county.

If vote in favor of removal, proceedings thereupon

3. If, from such returns and abstracts of votes so cast upon the question of the removal of the courthouse of Prince Edward county, it shall appear that a majority of the votes were "For the town of Farmville," the said town of Farmville shall be, to all intents and purposes, the place of holding court in the said county of Prince Edward, and for conducting the business incident thereto, from and after January first, eighteen hundred and seventy-two: provided, the trustees of said town, or their successors in office, shall have set apart or caused to be erected a courthouse and other necessary public buildings and fixtures for the said county of Prince Edward, to be set apart or erected at such place in said town of Farmville as the board of supervisors of said county may approve, when designated to them by said trustees.

Proviso

Expenses of election; how paid.
Commencement

4. The expenses of conducting a special election under this act, shall be paid by the town of Farmville.

5. This act shall be in force from its passage.

CHAP. 397.—An ACT to Amend and Re-enact Chapter 206 of the Code of Virginia (edition of 1860), as to Grand Juries.

Approved November 5, 1870.

Code of Va., chap. 206, amended

1. Be it enacted by the general assembly, That chapter two hundred and six of the Code of Virginia (edition of eighteen hundred and sixty), as amended and re-enacted by the act to revise and amend the criminal procedure, passed April twenty-seventh, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows:

“ CHAPTER CCVI.

“ *Of grand juries.*

“ § 1. There shall be a grand jury at four of the terms, in each year, of the county and corporation courts, to be designated by the judge of such courts. And it shall be lawful for the said courts, at any term thereof, or the judges of said courts in vacation before such term, whenever they shall deem it proper to do so, to order a grand jury to be summoned to consider any offences against the laws.

Grand juries for county and corporation courts

“ § 2. It shall be the duty of the judge of the county or corporation court of each county and city of the state, in the month of January in each year, or as soon thereafter as practicable, to select from the qualified voters of each township of such county, or ward of such city, not less than twenty nor more than one hundred persons, of honesty, intelligence, and good demeanor, and suitable in all respects to act as grand jurors, and to furnish the clerk of such court with a list of the persons so selected, made off by townships or wards, as the case may be. It shall be the duty of the clerk of such court thereupon to write the names of each of such persons on separate slips of paper, placing the names of the residents of each township or ward together, and from these, in the presence of the attorney for the commonwealth, to select, by lot, as many persons as may be necessary for the formation of the grand juries of such county or city. And in drawing such persons to serve as grand jurors, an equal number, as near as may be, and having reference to the populations of the several townships or wards, shall be drawn from the lists from each township or ward.

List of grand juries; how selected, &c.

“ § 3. It shall be the duty of the clerk of such court, at least twenty days before each one of the four terms thereof designated under the first section for the empanneling of a grand jury, and in other cases, forthwith, whenever so ordered by the judge of his court, to place in the hands of the officer of such court, lists of the grand jurors selected by lot as provided in the previous section, made off by townships according to the place of residence of the several grand jurors, and embracing a sufficient number of such persons to form such grand jury. And it shall thereupon be the duty of such officer to summon the persons mentioned in such lists, to attend on the first or such other day of said term as the judge may direct, to act as grand jurors.

List to be placed in hands of officer

“ § 4. For four of the grand juries in each year, to be designated by such courts, there shall be summoned twenty-four citizens of this state, of the county or corporation in which the court is to be held, and in other respects qualified jurors, and not constables, ordinary keepers, overseers of roads, nor owners nor occupiers of water grist mills; and when they are grand jurors for a county court, not inhabitants of a town having a corporation court.

Who qualified, and number summoned

"The court in which a grand jury is to be empaneled for the four terms, as hereinbefore provided, may, by direction to its clerk, limit the number of persons to serve thereon to not less than sixteen.

Grand juries for other terms; number, &c.

"For grand juries, ordered for any other term of such courts, there shall be summoned ten citizens of the state, with like qualifications, and subject to the exceptions hereinbefore stated; and the court may, by direction to its clerk, limit the number of persons to serve thereon to not less than six.

Number necessary to constitute grand jury

"§ 5. Any sixteen or more of such persons summoned to the four regular terms, and any six or more of such persons summoned to any other term, shall be a competent grand jury. If a sufficient number do not attend, the said officer shall, from lists to be furnished him by the clerk of such court, and compiled as hereinbefore provided, forthwith summon so many others as may be necessary.

Oath of foreman and other jurors

"§ 6. From among the persons so summoned, who attend, the court shall select a foreman, who shall be sworn as follows: You shall diligently inquire and true presentments make of all such matters as may be given you in charge or come to your knowledge touching the present service. You shall present no person through prejudice or ill-will, nor leave any unpresented through fear or favor; but in all your presentments, you shall present the truth, the whole truth, and nothing but the truth. So help you God. The other grand jurors shall afterwards be sworn as follows: The same oath that your foreman has taken on his part, you and each of you shall observe and keep on your part. So help you God.

Charge by court

"§ 7. The grand jury, after being sworn, shall be charged by the judge of the court, and shall then be sent to their room.

Duties of grand jury

"§ 8. The grand jury shall inquire of and present all felonies, misdemeanors, and violations of penal laws, committed within the jurisdiction of the respective courts wherein they are sworn; except that no presentment shall be made of a matter for which there is no corporal punishment, but only a fine, where the fine is limited to an amount not exceeding five dollars.

How indictment, &c., to be found

"§ 9. At least twelve of the grand jury, at the four regular terms, and at least five of the grand jury at any other term, must concur in finding or making an indictment or presentment. They may make a presentment upon the information of two or more of their own body; and when a presentment is so made, or on the testimony of witnesses called on by the grand jury, or sent to it by the court, the names of the grand jurors giving the information, or of the witnesses, shall be written at the foot of the presentment.

Indictment ignored may be sent to another grand jury

"§ 10. Although a bill of indictment be returned not a true bill, another bill of indictment against the same person for the same offence may be sent to and acted on by the same or another grand jury.

When another foreman may be sworn, or another jury summoned

"§ 11. If the foreman or any grand juror be unable or fail to attend, after being sworn, another may be sworn in his stead; and when one grand jury has been discharged, another

may, by order of the court, be summoned to attend at the same term.

"§ 12. A court, whose officer shall fail, when it is his duty to summon a grand jury, and return a list of their names, shall fine him twenty dollars. Penalties on jurors and officers of court

"A person summoned, and failing to attend a court as a grand juror, shall be fined by said court not less than five dollars, unless, after being summoned to show cause against the fine, he give a reasonable excuse for his failure.

"§ 13. This act shall be in force from and after the first day of December, Anno Domini one thousand eight hundred and seventy." Commencement

CHAP. 398.—An ACT to Authorize Sycamore Church to be Fitted Up and Used as the State Courthouse.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the superintendent of public buildings, under the direction of the governor, he and he is hereby authorized to have the Sycamore church fitted up for the use of the supreme court of appeals and for the reception of the state law library: provided, however, that nothing herein contained shall be construed to revoke or affect the privilege heretofore granted by the house of delegates to the Virginia historical society to occupy a room in said church. Sycamore church for use of supreme court of appeals

2. Said building, when so fitted up, shall be known and designated hereafter as The State Courthouse. How building to be designated

3. For the purpose of fitting up said building, a sum not exceeding fifteen hundred dollars is hereby appropriated, and the auditor of public accounts is hereby authorized to issue his warrant upon the treasurer for the sum thus appropriated, upon the certificate of the superintendent of public buildings, countersigned by the governor. Amount appropriated

4. This act shall be in force from its passage. Commencement

CHAP. 399.—An ACT to Amend and Re enact Section 3 of Chapter 182 in the Sub-division of an Act to Amend the Provisions of the Code in regard to the Supreme Court of Appeals, so as to make them Conform to the Present Constitution, approved June 28, 1870.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the third section of the one hundred and eighty-second chapter in the sub-division of the act of the general assembly approved June twenty-third, eighteen hundred and seventy, and entitled an act to amend the provisions of the Code in regard to the supreme court of appeals, so as to make them conform to the Code of Va., chap. 182, § 3, amended

new constitution, be amended and re-enacted so as to read as follows:

§ 3

"§ 3. No petition shall be presented for an appeal from, or writ of error or supersedeas to, any final judgment, decree, or order, whether the commonwealth be a party or not, which shall have been rendered more than two years before the petition is presented, nor to any judgment of a county or corporation court which is rendered on an appeal from a judgment of a justice, nor to a judgment, decree, or order of any other court when the controversy is for a matter less in value or amount than five hundred dollars, exclusive of costs, unless there be drawn in question a freehold, or franchise, or the title or bounds of land, or some matter not merely pecuniary: provided, however, that the time from the twenty-sixth day of January, eighteen hundred and seventy, to the passage of this act, shall be excluded from the computation of said period of two years: and provided further, that this act, so far as appeals, writs of error, or supersedeas, heretofore allowed, shall be deemed and taken to have been passed and been in force since the passage of the act to which it is amendatory."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 400.—An ACT to Authorize the County of Rockbridge to Aid the James River and Kanawha Canal Company in Repairing the North River Canal.

Approved November 5, 1870.

Board of super-
visors of Rock-
bridge county
authorized to
issue bonds

Amount

How applied

When payable;
interest, &c.

Payment; how
provided for

Arrangements
with canal com-
pany for reim-
bursement

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Rockbridge county, be and they are hereby authorized and empowered at any meeting at which a majority of said supervisors shall be present, to issue bonds, in the name of the county of Rockbridge, for a sum not exceeding in the aggregate fifty thousand dollars, and to apply the same in such way as to said board may seem most advisable to aiding the James river and Kanawha canal company in repairing the North river branch of that improvement.

2. That the bonds issued in pursuance of this act shall be made payable within not less than five nor more than thirty-four years from the date thereof, and shall bear interest, payable annually, at a rate not exceeding ten per centum per annum, and shall be signed by the president of said board of supervisors, be attested by the clerk of the county court of Rockbridge, and have the seal of said county affixed thereto.

3. That the payment of the interest and principal of debts contracted and evidenced by said bonds, shall be provided for by the said board of supervisors by a levy, from time to time, as the same shall fall due, upon such subjects of taxation as are or may be liable by law for the county levy.

4. It shall be the duty of the said board of supervisors, before transferring to the said James river and Kanawha company the bonds authorized to be issued under the provisions

of this act, or any part thereof, to make such arrangements with said company as will most probably secure the speedy repair of said North river branch of said canal, and to obtain from said company such security and indemnity as it may be practicable to obtain, to secure the reimbursement to the county of any money expended or bonds issued in the repair of the said North river branch of said canal.

5. In the event that the board of supervisors of said county shall decline, or for sixty days fail to issue the bonds, or negotiate the loan, and to effect the arrangements authorized by this act, it shall be the duty of the judge of the county court of said county to order an election, at which the sense of the qualified voters of said county shall be taken upon the question of a loan by said county for the purposes indicated in the first section of this act, and upon such terms as said judge may in such order indicate; but the proceedings and formalities under which said election shall be held, shall in all respects be conformed to the provisions of the act entitled an act to authorize subscriptions to the stock of incorporated companies by the counties of Rockingham, Augusta, Rockbridge, Botetourt, Craig, and Roanoke, and the towns of Harrisonburg, Staunton, Lexington, and Salem, approved June twenty-seventh, eighteen hundred and seventy; and if said loan shall be authorized by a majority of three-fifths of the persons voting at such election, it shall be the duty of the board of supervisors of said county, when convened by the order of said judge, to perform the duties authorized by the first, second, third, and fourth sections of this act.

When judge of county court may order an election as to a loan

Proceedings under such election

6. This act shall be in force from its passage.

Commencement

CHAP. 401.—An ACT Directing the Superintendent of Public Buildings to have Certain Repairs Done to the Capitol, and Making an Appropriation for the Same.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the superintendent of public buildings be and he is hereby directed, under the supervision of the governor, to proceed, immediately upon the adjournment of the legislature, to have the floor of the library in the capitol and the ceiling thereunder, and also the stairway of the capitol, so repaired as to render them entirely safe; and for that purpose, a sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated.

For repair of library floor in capitol

2. The auditor of public accounts is hereby authorized and directed to issue his warrant for the sum thus appropriated, upon the certificate of the superintendent of public buildings, countersigned by the governor.

Warrant for same

3. This act shall be in force from its passage.

Commencement

CHAP. 402.—An ACT to Amend an Act entitled an Act Incorporating a Company for Constructing a Canal from Elizabeth river, at Norfolk, to Tanner's Creek and Little creek, in Princess Anne County, passed March 7, 1856.

Approved November 5, 1870.

Act as to canal
from Elizabeth
river to Tan-
ner's creek
amended

1. Be it enacted by the general assembly of Virginia, That the first and fourth sections of the act entitled an act incorporating a company for constructing a canal from Elizabeth river, at Norfolk, to Tanner's creek and Little creek, in Princess Anne county, passed March seventh, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows:

§ 1

"§ 1. It shall be lawful to open books of subscription, at the city of Norfolk, under the direction of Henry Irwin, James H. Johnson, William W. Lamb, William Ward, Ricard Walke, R. A. Worrell, William H. Talbot, or any three of them; and at such other place or places as a majority of the commissioners above named may appoint, for the purpose of receiving subscriptions to an amount not less than twenty nor more than one hundred thousand dollars, in shares of fifty dollars each, to constitute the capital stock of a company to be called The Norfolk and Princess Anne Canal Company, for the purpose of cutting a canal from Elizabeth river, at or near Norfolk, to Tanner's creek, and from Tanner's creek to Little creek, in Princess Anne county, and from Little creek to Lynhaven river or bay."

§ 4

"§ 4. The president and directors shall have power to make such by-laws and regulations, not contrary to the laws of the United States and of this state, as they may deem proper for the government of said company, and may demand and receive tolls not exceeding the rates now charged by the Albemarle and Chesapeake canal company."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 403.—JOINT RESOLUTION Requiring the Superintendent of Public Printing to have the Constitution of the State Printed with the Bound Acts of Assembly for the Present Session.

Approved November 5, 1870.

Resolved (the senate concurring), That the superintendent of public printing be and he is hereby instructed to have printed, together with the bound volumes of the Acts of Assembly for the present session, the constitution of the state.

CHAP. 404.—An ACT to Amend the Charter of the Town of Winchester, in the County of Frederick.

Approved November 5, 1870.

Whereas, it is represented to this general assembly, that an election held in Winchester on the twenty sixth day of May, eighteen hundred and seventy, there were elected all of the officers to which said town, under its charter, is entitled, and that said officers have qualified and entered upon the discharge of their official duties; and whereas, a doubt exists as to the regularity of said election, and as to the validity of the official acts of the officers elected; and whereas, by reason of said doubt, such of the officers so elected as under the charter of said town constitute the corporation court of said town, have failed to hold any term of said court since their election :

1. Be it enacted by the general assembly, That the said election of twenty-sixth May, eighteen hundred and seventy, is hereby approved, and all of the official acts of each of the officers who were elected at the said election, that have been performed by such officer since his qualification in office, are ratified and confirmed as though said election had been held and said officers elected on Thursday, the twenty-eighth July, eighteen hundred and seventy, under the act approved July ninth, eighteen hundred and seventy, entitled an act to provide for an election in towns of less than five thousand inhabitants.

Election approved, &c.

2. The corporation court of Winchester shall have jurisdiction only for proving and recording deeds and wills, granting certificates of probate and administration, and for granting licenses to sell wine, ardent spirit, malt liquor, or any mixture of any of them, within the limits of the corporation, and for enforcing the ordinances which have been, or may hereafter be lawfully passed by the common council of said town, by judgments and execution for fines, or confinement and labor for misdemeanor, under the same; and the said court shall not have jurisdiction in any other matter than is herein expressly provided for: provided, that all fiduciaries who have been or hereafter may be appointed by the said court, or have qualified therein, and all trustees in any deed of trust recorded in said court, shall settle their accounts before a commissioner appointed by said court.

Jurisdiction of corporation court of Winchester

3. That all causes and matters, except those provided for in the foregoing section, now pending in said corporation court, shall be and they are hereby removed to the county court of Frederick county, and the clerk of said county court shall transfer to the docket of his said court, the causes and matters pending and undetermined in said corporation court, and all papers and records in said causes and matters shall be transferred to and remain in the custody of said county court.

All other matters removed to county court

4. And the charter of the said corporation of Winchester, as amended by this act, is hereby confirmed, and all acts and parts of acts inconsistent with this act are hereby repealed.

Confirmation of charter

5. This act shall be in force from its passage.

Commencement

CHAP. 405.—An ACT to Amend and Re-enact Chapter 85 of the Code of Virginia, in Relation to Insane Persons.

Approved November 5, 1870.

Code of Va.,
chap. 85, § 1, 2,
3, 8, 10, 12, 25,
60, and 61,
amended

1. Be it enacted by the general assembly of Virginia, That sections one, two, three, eight, ten, twelve, twenty five, sixty, and sixty-one, of chapter eighty-five of the Code of Virginia, be and the same are hereby amended and re-enacted so as to read as follows:

§ 1 "§ 1. Each lunatic asylum established in this state shall be under the management of a board of directors.

§ 2 "§ 2. There shall be three asylums for the insane: the first to be located as at present at Williamsburg, under the name of the Eastern lunatic asylum; the second to be located as at present at Staunton, under the name of the Western lunatic asylum; and the third to be located temporarily at Howard's Grove, near the city of Richmond, under the name of the Central lunatic asylum.

§ 3 "§ 3. The directors of the Central, Eastern, and Western lunatic asylums, shall consist of eleven members each; the term of office shall be for three years, commencing on the first of November, eighteen hundred and sixty-nine, except where it is otherwise provided by law; five directors shall constitute a court for the transaction of business."

§ 8 "§ 8. A treasurer for each asylum (who shall not be a director) shall annually be appointed by the board, who shall give bond in such penalty as shall be approved by the board. He shall receive and keep all money belonging to said asylum, disburse the same under the orders of the board, and settle his accounts, as treasurer, semi-annually. His draft on the treasury for an appropriation shall be under the order of the board, of which a copy shall accompany the draft; and no such draft shall be allowed by the auditor of public accounts until all money drawn on account of the next preceding year is duly accounted for. Hereafter the amounts received for pay patients at the Eastern, Central, and Western lunatic asylums, shall be reported quarterly to the auditor of public accounts, and charged to each asylum, respectively, as a part of the support fund thereof."

§ 10 "§ 10. The treasurer of the Eastern and Central lunatic asylums, upon the receipt of moneys in their official capacity, whether by appropriations of the general assembly, or from any other source, shall immediately thereupon deposit the same in some one of the banks in the city of Richmond, to the credit of the treasurer of the Eastern or Central lunatic asylums, respectively; and it shall not be lawful for the cashier or other officer of said bank to pay out the said money so deposited upon the order, draft, or check of the said treasurer, except upon the order of the board of directors of said Eastern and Central asylums, authorizing the same to be drawn; and it shall not be lawful for the said board of directors to authorize the said treasurer to draw as aforesaid, except in such amounts

and at such times as shall be necessary to meet expenditures for the said asylums."

"§ 12. The board of each asylum shall, annually, before the first day of November, report to the governor, for information of the general assembly, the condition of the asylum, and an account of all sums received and disbursed, with a list of the patients, designated by name or otherwise, in the asylum during the preceding year, showing their age and sex, place of residence and civil condition, the deaths and discharges, and condition when discharged, and any statistics and remarks as to the management of the insane and the subject of insanity, which in their judgment may be useful."

"§ 25. The sheriff, or other officer to whom such order of the justices is directed, shall immediately ascertain, by written inquiry of the superintendent of the nearest appropriate asylum, whether there is a vacancy in such asylum, and if there be none, he shall make a similar inquiry of the other superintendents. Until it is ascertained that there is a vacancy, the patient shall be kept in the jail of the county or corporation."

"§ 60. The expenses of an insane infant (not paid by his committee) or married woman, incurred in his or her removal, maintenance, or care, shall be paid, within the time specified in the preceding section, to the treasurer of the asylum or into the public treasury, as the case may be, by the guardian, if there be one who has sufficient funds in hands, or if no guardian having sufficient estate of such infant, then by his father, or if no father, by his mother, or by the husband of an insane woman."

"§ 61. The directors of either asylum, on behalf of such asylum, and the auditor of public accounts on behalf of the commonwealth, may respectively, in their discretion, release the whole or any part of any claim of such asylum or the commonwealth, for the expenses attending the removal, maintenance, or care of a lunatic, if he have a family dependent on his estate for support, or if the claim be against the father, mother, or husband of the lunatic, or if, in their opinion, it be just and equitable that the said claim should be so released."

2. Be it further enacted, That sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and thirty-one of the said chapter of the Code of Virginia, be and the same are hereby repealed.

Commencement

3. This act shall be in force from and after its passage.

CHAP. 406.—An ACT to Amend and Re-enact Section 37, Chapter 184 of the Code of Virginia, with Regard to Jailors' Fees.

Approved November 5, 1870.

1. Be it enacted by the general assembly of Virginia, That the thirty-seventh section of chapter one hundred and eighty-four of the Code (eighteen hundred and sixty), as amended by an act amendatory thereof, passed March third, eighteen hun-

Code of Va., chap. 184, § 37, amended

dred and sixty-five, be amended and re-enacted so as to read as follows:

"To a jailor.

§ 37

"§ 37. In case of the commonwealth, for receiving a person in jail when first committed, twenty-five cents.

"For keeping and supporting him therein for each day, forty cents.

"For discharging him therefrom, twenty-five cents."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 407.—An ACT to Amend and Re-enact Section 6 of an Act entitled an Act to Amend the Provisions of the Code in Regard to the Supreme Court of Appeals, so as to make them Conform to the New Constitution, approved June 23, 1870, with Regard to Records, &c., of the Late District Courts.

Approved November 5, 1870.

§ 6 of act with
regard to
supreme court
of appeals
amended

1. Be it enacted by the general assembly of Virginia, That the sixth section of an act entitled an act to amend the provisions of the Code in regard to the supreme court of appeals, so as to make them conform to the new constitution, approved June twenty-third, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

§ 6

"§ 6. The order books, dockets, and other office books belonging to the several district courts, shall be delivered to and remain in the custody of the clerks of the supreme court of appeals at the places of session respectively having jurisdiction over the counties, or a majority of them, over which the said district courts respectively had jurisdiction. *The said clerks shall certify to the proper circuit or hustings court all judgments, decrees, or orders of the said district courts respectively which may not have been so certified by the clerks of said district courts, shall furnish transcripts of the records and proceedings of the said district courts when required, and perform all other duties in respect to records and proceedings of the said district courts as might have been performed by the clerks of the said district courts, if the said courts had continued to exist. All printed and manuscript orders and other papers pertaining to cases decided in the said district courts, shall be delivered to and remain in the custody of the clerks of the circuit courts at the several places where the said district courts held their sessions, who shall be charged with the same duties in respect to said records and papers as might have been performed by the clerks of the said district courts respectively, if said courts had continued to exist, and who shall receive for any such service similar fees to those charged by the clerks of district courts for such services."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 408.—An ACT to Dispose of State's Interest in the Potomac Bridge,
at Point of Rocks.

Approved November 5, 1870.

1. Be it enacted by the general assembly of Virginia, That the interest of the state of Virginia in the capital stock of the Potomac bridge company, in the county of Loudoun, at the Point of Rocks, being two-fifths of the same, be disposed of to the private stockholders in said company, or their assigns, on the following conditions, namely: first, that said private stockholders, or their assigns, shall, within two years from the passage of this act, rebuild the superstructure of said bridge in a substantial manner, with two tracks, so as to admit of the passage of vehicles and of railroad cars; and secondly, on condition that said private stockholders, or their assigns, shall pay into the treasury of the commonwealth, on the first day of January, eighteen hundred and seventy-six, and on the first day of January of every year thereafter, one-tenth part of the net tolls after paying expenses of collections, insurance, and repairs on said bridge: provided, that all tolls accruing prior to the first day of January, eighteen hundred and seventy-five, shall belong exclusively to the said private stockholders or their assigns.

State's interest
in Potomac
bridge company
authorized to be
sold

Conditions

2. Be it further enacted, That all parts of the act passed on the nineteenth day of March, eighteen hundred and fifty, amending the act passed on the twenty-second day of March, eighteen hundred and forty-seven, incorporating the Potomac bridge company, which are inconsistent with the provisions of this act, are hereby repealed.

Inconsistent
acts repealed

3. Be it further enacted, That said bridge company shall not make any charges discriminating in favor of or against any turnpike company that is now or may hereafter be incorporated, which may have its terminus at or near the southern abutment of said bridge.

Company not to
make discrimi-
nating charges

4. Be it further enacted, That the said bridge company shall have the privilege, ten years after the completion of said bridge, or at any time thereafter, to pay into the treasury of the state the sum of money, the interest on which, at six per centum, shall be equal to the highest amount of revenue derived by the state from its portion of the net tolls in any one year prior to the time when such payment by the bridge company shall be made; and from and after the payment of said capital sum, the said bridge company shall be forever discharged from the payment of said annual tolls.

Within what
period the
bridge company
to pay into the
treasury

5. Be it enacted, That this act shall be in force from its passage.

Commence-
ment

CHAP. 409.—An ACT Declaring the Rapidan river, from Liberty Mills to its Junction with the Roberson river, a Lawful Fence.

Approved November 5, 1870.

Rapidan river a
lawful fence;
how far

1. Be it enacted by the general assembly, That the Rapidan river, beginning at Liberty Mills and extending to its junction with the Roberson river, and which is the boundary line between the counties of Madison and Orange, be and the same is hereby declared a lawful fence.

Proceedings in
case of trespass

2. In case of any trespass of any horse, mule, swine, sheep, goat, or neat cattle of any description, or of any other stock, on lands lying along said river between the points designated, the party aggrieved may make complaint to a justice, who shall issue his warrant immediately to a constable, or other person specially deputed, returnable, within five days from date thereof, before him or some other justice, and at the time and place named in said warrant the case will be tried, and the amount of damages sustained by the complainant shall be ascertained and judgment given for the same, with legal costs, as in case of other warrants: provided, that when the judgment of the justice shall be for a sum exceeding twenty dollars, the defendant may appeal to the county court, and shall thereupon be entitled to demand a trial by jury in said court, and the judgment of said court upon the appeal shall be according to such verdict, subject to the right of said court to set aside the verdict according to the law governing verdicts in other cases.

Lien on tres-
passing animals

3. A lien upon the trespassing animals for the payment of the damages and costs thus ascertained, shall attach from the date of the warrant, and shall supersede all other liens, except this commonwealth or United States have a previous claim for public dues upon said animals.

Action of tres-
pass saved

4. Nothing in this act shall deprive the party injured of his action of trespass when the damages are laid in a sum exceeding the jurisdiction of a justice of the peace.

Commence-
ment

5. This act shall be in force from its passage.

CHAP. 410.—An ACT to Incorporate the Burkeville, Lunenburg, and Mecklenburg Railroad Company.

Approved November 5, 1870.

Burkeville, Lu-
nenburg, and
Mecklenburg
Railroad Com-
pany, incorpo-
rated

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Burkeville, Lunenburg, and Mecklenburg Railroad Company, for the purpose of constructing a railroad from Burkeville, in the county of Nottoway, via Lewiston or vicinity, to some point on the line of the Norfolk and Great Western railroad, in the county of Mecklenburg; and the said road may be of the same gauge as that of any road with which it may connect, or may be either

wholly or in part constructed in the manner known as the narrow gauge railroad.

2. That the following persons are appointed to receive subscriptions at the points herein named, viz: in the county of Nottoway, I. A. Agnew, S. McLean, J. E. Grigg, A. R. Deem, S. D. Burks, J. C. Robinson, A. Bolling, and Thos. Hamlin, at Burkeville; E. T. Jeffress, W. P. Dickinson, Chas. Carter, P. J. Fowlkes, W. H. Scott, Sharp Carter, and O. M. Knight, at Jeffress' store; in the county of Lunenburg, E. C. Scott, Jos. Jennings, W. H. Perry, and William M. Chumney, at Hungarytown; John Fowlkes, N. Mathews, Wm. T. Gary, Hail T. Gallion, and W. F. Blackwell, at New Plymouth; W. W. Webb, S. F. Cardozo, E. B. Jackson, T. T. Shackleton, B. H. May, and Stith Bolling, at Lewiston; John C. Smithson, Sterling H. Lester, Alexander J. Watson, F. S. N. Smithson, and R. M. Garland, at Rehoboth; Tischarner Woodson, R. H. Allen, B. E. Smith, and E. G. Bagley, at Oral Oaks; Charles May, R. J. H. Hatchett, and John D. Tisdale, at Wattsborough; Wm. M. Bagley, D. R. Stokes, H. L. Lee, and Robt. Moore, at Columbian Grove; Sterling Neblett, John C. T. Haskins, Wm. J. Neblett, and Wm. T. Blackwell, at Locheleven; in the county of Mecklenburg, C. H. Ogborn, C. D. Whittle, and John D. Petty, at Whittle's mill; H. A. Locket, John Watson, Green Jackson, at Lombardy Grove; J. C. Gregory, C. S. Hutchinson, and E. A. Drumright, at Drapersville; Thos. F. Goode, Wm. T. Atkins, and Samuel Farrar, at Boyetton. A majority of the commissioners appointed at each place respectively, may act as if alone named; and the commissioners for the county of Lunenburg are further authorized to receive subscriptions, in their discretion, from individuals and corporations domiciled either in or out of this state.

Commissioners
to receive sub-
scriptions

3. That the capital stock of the said company shall not be less than thirty thousand dollars nor more than one million dollars, to be divided into shares of fifty dollars each; and whenever the first mentioned amount shall be subscribed, the subscribers shall be incorporated for the purposes mentioned in the first section of this act, and shall have full power and authority to effect the same.

Capital

4. That it shall be lawful for the said company, by and with the consent of the stockholders in general meeting assembled, to borrow money for the purposes of this act, at a rate of interest not exceeding that allowed by law; to issue certificates of said loans, and to pledge any or all the property of the said company, by mortgage or otherwise, for the payment of the same, and the interest that may accrue thereon.

May borrow
money

5. That it shall be lawful for the said company to receive not exceeding fifty thousand acres of land in payment of subscriptions of stock: provided, that it shall not be lawful for the said company to hold such land longer than ten years from the completion of the road along which such land shall lie, except that necessary for the use of the road.

Land in sub-
scription;
amount

6. That the company hereby incorporated shall have the right to make convenient connections with any other road or roads now or hereafter to be constructed in this state.

Connections

- When road may be operated** 7. That when the road shall be constructed for the distance of twenty miles, the same may be operated for the purposes of trade and travel: provided, that the said road shall be commenced within three years, and completed to Lewiston within five years.
- Proviso**
- Commence-ment** 8. This act shall be in force from its passage, and shall be subject to all general laws now existing or which may be hereafter passed in regulation of railroad companies.

CHAP. 411.—An ACT to Amend and Re-enact an Act entitled an Act Providing for the Reassessment of the Lands Throughout the Commonwealth, approved July 9, 1870.

Approved November 5, 1870.

- Act for re-assessment of lands throughout commonwealth amended** 1. Be it enacted by the general assembly, That the act entitled an act providing for the reassessment of the lands throughout the commonwealth, approved July ninth, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:
- County and corporation courts to appoint persons to assess lands and lots; when** “§ 1. Be it enacted by the general assembly, That it shall be the duty of the several county and corporation courts, and of the hustings court of the city of Richmond, at their July or August terms, in the year one thousand eight hundred and seventy, and at their June or July terms in every fifth year thereafter, to appoint proper persons to assess the value of all lands and lots, together with the improvements thereon, within their respective counties and corporations: provided, that there shall be but one assessor for each corporation, except the city of Richmond, where there shall be three, and for each county as many as there are commissioners of the revenue for the same; and no person shall be appointed assessor for any county or corporation who is not a resident and freeholder in the same. In those counties in which two or more assessors are to be appointed, the court shall appoint one for each district to which a commissioner is assigned; but the said districts shall be re-arranged by the said court by township lines, so that no part of a township shall be in more than one district.
- Proviso**
- Number of assessors, and how districts arranged** “§ 2. Each assessor, before entering upon the duties of his office, shall, in open court, execute a bond, with security deemed good by the court, in the penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office, and shall moreover take an oath, in open court, that he will faithfully and impartially, and to the best of his skill and understanding, execute all the duties of his office according to law.
- Assessor's bond and oath**
- Duty of register** “§ 3. The register of the land office, as soon as possible after the passage of this act, shall forward to the clerk of each county and corporation court, a list of all grants of land within his county and corporation, issued between the thirty-first day of December, eighteen hundred and sixty-nine, and the time of

making out such list; and it shall be the duty of the clerk, without unnecessary delay, to deliver to the assessor of such county or corporation, the said list of grants, with a copy of the land book for his county or corporation, last returned, and a list of the conveyances recorded since the said book was made out. In any county in which there shall be more assessors than one, the clerk shall furnish to each of them a copy of the list of grants and of the land book, and also a list of conveyances as aforesaid, for the district for which he is appointed. For the services aforesaid, the clerk shall receive such compensation as the court of his county or corporation may think proper to allow, which shall be embraced in and paid out of the first corporation or county levy made after the services shall have been rendered. And any clerk who shall fail to perform any duty hereby enjoined upon him, shall be fined, for the use of the literary fund, a sum not exceeding one hundred dollars, at the discretion of a jury.

Duty of clerk of county and corporation courts

Clerk's compensation

Penalty on clerk

“§ 4. The said assessors shall, immediately after their appointment, proceed to examine all the lands and lots, with the improvements thereon, within their respective counties, districts, and corporations, and shall, upon such examination, ascertain and assess the cash value thereof; and if at any time the court shall be satisfied that any assessor appointed under this act will not, or that from any cause he cannot, perform the duties devolved on him within the time prescribed, it may wholly supersede him and appoint another in his place, or appoint one or more assistants to aid him in his duties, as it shall deem most expedient; but before any person thus appointed shall enter upon the duties of his office, he shall take the oath and execute the bond, with such penalty as the court shall fix, prescribed in the second section: provided, however, that the cash value of the lands, lots, and improvements thereon, shall be fixed by first ascertaining the value, upon the usual credits, in the neighborhood, and rebating legal interest, when interest is not usually allowed on such credits or deferred payments.

Duty of assessor

How assessor may be superseded

Proviso

“§ 5. As soon as the assessors shall have completed the assessments in their respective counties, districts, or corporations, they shall make out two copies of the assessment in the form in which the land books are now made out, and shall certify on oath that no lots or lands are omitted, and that there are no errors on its face; and of these copies, so certified, one shall be filed and preserved in the clerk's office of the county or corporation, and the other forwarded by mail, or other safe conveyance, to the auditor of public accounts, at Richmond, on or before the first day of December in the year in which assessment is made: provided, that for good cause shown, the judges of the county courts of this commonwealth may extend the time of making the returns of said assessment to the first of January, eighteen hundred and seventy-one: and provided further, that where lands already assessed have been damaged since said assessment, by the recent heavy rains, the assessors are hereby authorized and required to reassess said lands whenever requested so to do by any person interested therein.

Copies of assessment; how certified and filed

Proviso

Proviso

When assessor shall forfeit commissions Auditor to prepare forms	Each assessor who shall fail to comply with any requisition of this section, shall forfeit all right to compensation for his services. It shall be the duty of the auditor of public accounts, as soon as practicable after the passage of this act, to prepare proper forms of return, so arranged as to show the lands and lots in each township separately, with blanks to be filled up by the assessors, and instructions, and cause the same to be printed, and forward a sufficient number of copies, for the use of the assessors, to the clerks of the courts of the several counties and corporations.
How assessment corrected	" § 6. Any person feeling himself aggrieved by the assessment of his lands or lots, made under the provisions of this act, may, upon giving notice to the assessor, apply to the court by which the assessor was appointed, at the first, second, or third term after such assessment shall have been filed in the clerk's office of his said county or corporation court, and not after, to have the assessment of his lands or lots corrected; which notice shall be in writing, and shall have appended thereto an affidavit, that in the opinion of the affiant, the assessment of his lands or lots is above the true value thereof; which affidavit may be sworn to by the owner or his duly authorized agent. In all such applications, it shall be the duty for the attorney for the commonwealth in such court to attend to the interest of the commonwealth. And if the court shall be satisfied that the assessment is too high, it shall reduce the same to what is, in its opinion, the true value of such lands or lots; but if it shall be of opinion that the assessment is too low, then it shall increase it in like manner; and such application shall have precedence over all other causes pending in said court. In any case in which the owner of lands or lots, or his agent, shall be dissatisfied with the value assessed, because it is too low, the assessor shall adopt the estimate of the owner or his agent, but in cases of appeal from decision to court, as herein provided for, costs shall not be taxed for or against the appellant or the commonwealth.
Notice	
Duty of commonwealth's attorney	
Such application to have precedence Where assessment is too low	
Costs	
Clerk to certify to auditor all changes in assessments	" § 7. It shall be the duty of the clerk of each county or corporation court to certify to the auditor of public accounts all changes made by the courts of their several counties and corporations aforesaid, in order that the books of assessment in which such alterations have been ordered, and which are on file in the office of the said auditor, may be so changed as to conform to the valuations affixed by the court. And it shall be the duty of the clerks aforesaid to certify in like manner to the assessor whose assessments are so changed or corrected, the re-valuations made by the court, that they may so correct the books on file with the clerk in conformity to the said orders of re-valuation.
Assessor's compensation; how paid	" § 8. Each assessor and assistant assessor shall receive the sum of three dollars for each day he shall be necessarily employed in the execution of the duties of his office. Their accounts shall be made out and verified, and shall be paid out of any money in the treasury not otherwise appropriated."
Commencement	2. This act shall be in force from its passage.

CHAP. 412.—An ACT to Incorporate the West Point and Chesapeake Railroad Company.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That it shall be lawful to open books of subscription in the city of Richmond, under the direction of the following commissioners, or any three of them, viz: William W. Crump, Albert Ordway, W. B. Isaacs, W. G. Paine, James A. Scott, and J. L. Williams; and in the town of West Point, under the direction of the following commissioners, or any three of them, viz: Samuel F. Harwood, R. E. Lee, Jr., W. B. Taliafarro, B. B. Douglass, Henry Bell, and W. W. Gordon, for the purpose of receiving subscriptions to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for constructing a railroad from the town of West Point, in the county of King William, or some other point on the Richmond and York river railroad, within ten miles of West Point, to the navigable waters of the Chesapeake bay or its tributaries, between the mouth of Rappahannock river and Yorktown; and it shall be lawful for the Richmond and York river railroad company to subscribe to the stock of the company hereby incorporated. At least ten days' notice of the time and place of receiving said subscriptions shall be given, and said books may be closed at such time as, in the discretion of the commissioners at the first named place, may be deemed best, and the same may be thereafter reopened and closed in like manner at the discretion of said first named commissioners. At the time of subscription, or at any time previous to the organization of the company, there shall be paid to said commissioners at least two per centum on each share so subscribed.

West Point and Chesapeake Railroad Company incorporated Commissioners

Capital, &c.

Route

Richmond and York river railroad company may subscribe Notice

2. Whenever fifty thousand dollars of the amount aforesaid shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and they are hereby declared and constituted a body politic and corporate, under the name and style of The West Point and Chesapeake Railroad Company, and shall be entitled to all the privileges conferred and subject to all the restrictions and regulations imposed by the Code of Virginia and Acts of the general assembly amendatory thereof, so far as the same are applicable to and not inconsistent with this act, and said company may thereupon proceed to organize in general meeting, on such notice and at such time and place as by the said commissioners at said first named place shall be deemed reasonable and best.

When corporation to begin

3. To aid in the construction of said road, the president and directors of said company, as soon as the same is organized, shall have authority to create, issue, and dispose of, an eight per centum preferred stock as part of its said capital, to an amount not exceeding one hundred and fifty thousand dollars, and may issue the bonds of said company to an amount not exceeding six hundred thousand dollars, payable in such manner, and bearing such rate of interest as the said president and directors may determine, not exceeding that allowed by law.

Bonds; how issued, and amount

They may secure the payment of said bonds and all interest thereon by deed of trust or mortgage on the entire franchises and property of said company, and may sell or dispose of said bonds for the construction and equipment of said road on such terms and in such manner as in their judgment the interests of said company shall require.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 413.—An ACT to Incorporate the Hillsboro' Water Company.

Approved November 5, 1870.

Hillsboro' Wa-
ter Company
incorporated

1. Be it enacted by the general assembly of Virginia, That the present joint owners of what is known as the Hillsboro' water company and their successors, be and the same are hereby made a body politic and corporate by the name and style of The Hillsboro' Water Company, and by that name may sue and be sued, and by that name shall be subject to all the rules, regulations, and restrictions imposed by existing or laws hereafter enacted, and shall be entitled to all the rights, privileges, and benefits conferred by the Code of Virginia, regulating joint stock companies.

Capital, &c.

2. That the capital stock shall not be less than twelve hundred nor more than five thousand dollars.

Acts heretofore
done, legalized

3. That the acts of the Hillsboro' water company, done and performed between the periods of its commencement and the passage of this act, in conformity with this charter, are hereby legalized and confirmed in the same manner as if the charter of said company had been in full force from the day of the organization of said company.

Commence-
ment

4. This act shall be in force from its passage.

CHAP. 414.—An ACT for the Relief of Thos. R. Beasley and C. Tompkins, Sureties of Wm. H. Mansfield, late Sheriff of Spotsylvania County.

Approved November 5, 1870.

Relief of sure-
ties of William
H. Mansfield,
late sheriff of
Spotsylvania

1. Be it enacted by the general assembly, That Thos. R. Beasley and C. Tompkins, sureties of Wm. H. Mansfield, late sheriff of Spotsylvania county, be and they are hereby relieved from the payment of three hundred and eighty-seven dollars and twenty-six cents, excessive interest, and four hundred and one dollars and twenty cents, damages awarded against them as sureties aforesaid, by a judgment of the circuit court of the city of Richmond, on the ninth day of December, eighteen hundred and sixty-nine, for default in the payment of the revenue of said county: provided, that this act shall not be construed as relieving said parties, or either of them, from the payment of the sums hereinbefore mentioned until the principal of said judgment, with legal interest thereon, and the costs of suit, shall have been paid.

Proviso

2. This act shall be in force from its passage.

Commence-
ment

CHAP. 415.—An ACT Declaring the Shenandoah River to be a Lawful Fence in the County of Clarke.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the Shenandoah river be and the same is hereby declared a lawful fence in the county of Clarke, on the line dividing the counties of Clarke and Warren, and on the line dividing said county of Clarke from West Virginia: provided, that where a public road runs along the bank of said river, gates may be erected across said road in the fences running at right angles to the river.

Shenandoah river a lawful fence for certain distance

Proviso

2. This act shall be in force from its passage.

Commencement

CHAP. 416.—An ACT Preserving Certain Remedies from Loss by Lapse of Time.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That in computing time under the twelfth section of chapter one hundred and eighty-six of the Code of Virginia (edition eighteen hundred and sixty), there shall, as to writs of fieri facias, be omitted from such computation the time elapsed between the first day of January, eighteen hundred and sixty-nine, and the eighteenth day of February, eighteen hundred and seventy; but every writ of fieri facias issued upon a judgment, which, but for this act, would have to be revived by scire facias before such writ could issue, shall not be made returnable within less than ninety days: provided, nothing herein contained shall be so construed as to affect the question of costs in any writ of scire facias now pending.

Certain remedies preserved from loss by lapse of time, under § 12, chap. 186, of Code of Virginia

2. This act shall be in force from its passage.

Commencement

CHAP. 417.—An ACT Authorizing the Council of the Town of Staunton to Appoint a Constable and three Justices of the Peace for each Ward of said Town.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the council of the town of Staunton be and they are hereby authorized to appoint a constable and three justices of the peace for each ward of said town; and said constable and justices of the peace shall hold their office until the first day of July, eighteen hundred and seventy-one, and shall receive the same compensation and have the same jurisdiction, powers, and duties, and be subject to the same liabilities of justices of the peace and constables, prescribed by an act approved July eleventh, eighteen

Council of Staunton authorized to appoint constable and three justices for each ward

hundred and seventy, prescribing the duties and compensation of certain township officers: provided, that nothing in this act shall be construed to prevent the election of said officers at the time prescribed by the constitution of Virginia.

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 418.—An ACT Making Appropriations for Repairs to Furniture in Hall of House of Delegates, Committee Rooms, &c.

Approved November 5, 1870.

Appropriation
for repairs to
capitol

1. Be it enacted by the general assembly, That the sum of ten hundred and thirty-six dollars and eleven cents be and the same is hereby appropriated, to be paid according to law, for repairs to furniture, heaters, gas fixtures, and fitting up of desks for clerk of house of delegates, matting for floor, and carpeting of speaker's and clerk's stand in house of delegates and in committee rooms.

Commence-
ment

2. This act to be in force from its passage.

CHAP. 419.—An ACT for the Protection of Fish in the Shenandoah river and its Tributaries, and the Tributaries of the Potomac river West of the Shenandoah river.

Approved November 5, 1870.

Protection of
fish in Shenan-
doah and certain
other tributaries
of the Potomac

1. Be it enacted by the general assembly of Virginia, That from and after the passage of this act, it shall not be lawful for any person or persons to cause the destruction of any fish in the waters of the Shenandoah river or its tributaries, and the tributaries of the Potomac river west of the Shenandoah river, by reason of the erection of fish dams or fish pots, or by the use of any seines, dip-nets, stir-nets, or set-nets, or by spearing, or by any other method than by angling, or with the outline, for the period of five years from the passage of this act

Penalty

2. That any person violating the provisions of this act, shall pay the sum of ten dollars for each and every such offence, the same to be recovered before a justice of the peace, with costs, and appropriated to the fund for the support of the county poor-house; and in addition, such person or persons shall forfeit any such seine, net, or spear, and any such fish dam or fish pot shall be levelled and destroyed under the direction of the justice.

Commence-
ment

3. This act shall be in force from its passage.

CHAP. 420.—An ACT Perfecting the Subscription of the County of Page to the Capital Stock of the Shenandoah Valley Railroad Company.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That the subscription to the capital stock of the Shenandoah Valley railroad company, made by the county of Page in pursuance of the laws in force at the time the election for that purpose was held, and all acts done under authority of the election held for that purpose, shall, in all respects, be held to be valid; and the supervisors of the said county shall, in all respects, proceed to complete the said subscription as if such election had been held after their accession to office; and the said subscription shall be paid in such instalments as may be required by the said company, and may be paid in the bonds of the said county, the same to bear interest from date at the rate of six per centum per annum, and to be received by said company at par.
2. This act shall be in force from its passage.

Validity to subscription of county of Page to stock of Shenandoah Valley railroad company

Commencement

CHAP. 421.—An ACT to Authorize the County of Fluvanna to Borrow Money to Rebuild the Bridges Belonging to said County Destroyed by the Recent Flood of September, 1870.

Approved November 5, 1870.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Fluvanna county be and they are hereby authorized and empowered, at any meeting at which a majority of said supervisors shall be present, to issue bonds, in the name of the county of Fluvanna, for a sum not exceeding in the aggregate twelve thousand dollars, and to sell the same, and with the proceeds of sale to rebuild the bridges belonging to said county destroyed by the recent flood of September, eighteen hundred and seventy.
2. That the bonds issued in pursuance of this act shall be made payable within not less than two nor more than ten years from the date thereof, and shall bear interest, payable annually, at a rate not exceeding ten per centum, and shall be signed by the president of the said board of supervisors, be attested by the clerk of the county court of Fluvanna, and have the seal of the said court affixed thereto.
3. That the debts contracted and evidenced by said bonds shall be levied for by the said board of supervisors upon such subjects of taxation as are or may be liable by law for the county levy; and that the faith of the said county is pledged for the punctual payment of the principal and interest of said bonds, when the same shall become due.
4. This act shall be in force from its passage.

Board of supervisors of Fluvanna authorized to rebuild bridges

Bonds; how payable

Levy for payment of bonds

Commencement

CHAP. 422.—An ACT Authorizing the Board of Public Works to Rescind the Contract entered into October 20, 1869, between the Board of Public Works and Konrote Kreamer, in Regard to the Staunton and Parkersburg Road.

Approved November 5, 1870.

Board of public works authorized to rescind contract with Konrote Kreamer

1. Be it enacted by the general assembly, That the board of public works be and they are hereby authorized, if they deem the same to be just and proper, to rescind the contract made and entered into the twentieth day of October, eighteen hundred and sixty-nine, between Konrote Kreamer, of the county of Highland, and the board of public works, whereby the said Kreamer, in consideration of certain stipulations and covenants, agreed and contracted to put that part of the Staunton and Parkersburg road extending from the town of Staunton to the summit of the Alleghany mountain in complete and thorough repair within one year from the date of his contract, and to maintain and keep it in the same condition for five years, ending on the twentieth day of October, eighteen hundred and seventy-four.

Commencement

2. This act shall be in force from its passage.

CHAP. 423.—An ACT to Authorize the Board of Supervisors of Albemarle County to Charge Tolls on Certain Bridges.

Approved November 5, 1870.

Board of supervisors of Albemarle authorized to rebuild certain bridges

1. Be it enacted by the general assembly, That the board of supervisors of Albemarle county, be and they are hereby authorized and empowered, from the proceeds of bonds to be issued under an act entitled an act to authorize the board of supervisors of Albemarle county to borrow money to rebuild bridges destroyed by the recent flood, passed October twenty-fourth, eighteen hundred and seventy, to erect toll-bridges at or near the following places: Rio Mills, on the Rivanna river; the site of the free bridge, on the Rivanna river; and Pace's Mill, on Mechum's river.

Tolls

2. The said board of supervisors are hereby authorized, on the completion of said bridges, to levy and collect tolls on animals, vehicles, and persons, at a rate to be fixed by themselves and approved by the board of public works.

When collection of tolls suspended

3. Whenever the tolls collected under this act shall amount to the cost of building, repairing, and collecting said tolls, or at the maturity of the bonds issued in pursuance of an act passed October twenty-fourth, eighteen hundred and seventy, the said board of supervisors shall suspend the collection of tolls and declare the said bridges free to the public; and all further costs for repairs, and so forth, shall be charged to the county.

Bridges subject to provisions of general law

4. The said bridges shall be in all respects subject to all the provisions of the general law applicable to toll bridges, not in conflict with this act.

Commencement

5. This act shall be in force from its passage.

CHAP. 424.—An ACT Incorporating the Culpeper and Madison Turnpike Company.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That for the purpose of constructing a turnpike road from the town of Culpeper, in Culpeper county, to some point intersecting the Blue Ridge turnpike at some point between Madison courthouse and Criglersville, in Madison county, it shall be lawful to open books of subscription to an amount not exceeding fifty thousand dollars, to be divided in shares of fifty dollars each; the said books shall be opened at Culpeper, under the direction of Charles Warte, J. T. Starke, J. B. Gorrell, E. B. Hill, and Daniel A. Grimsley; at Brown's store, under the direction of M. A. Bickers, A. R. Yates, James Shotwell, John Brown, and John S. Kemper; at Decapolis, Madison county, under the direction of Richard Early, Joshua Miller, John T. Carpenter, Daniel T. Cuyler, and E. D. Frey; at Criglersville, Madison county, under the direction of Mann Strickler, David Story, William Homes, Mason Bohannon, and Frank Finks; at Madison courthouse, under the direction of Theophilus Smoot, F. H. Hill, Joel Cline, John Clow, and Finks Blankinbarker, any three of whom may act at either place, and at such other place or places, and under the directions of such agents as any three of the above named commissioners may appoint.

Culpeper and
Madison Turn-
pike Company
Incorporated

Commissioners

2. When two hundred shares shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby incorporated into a company, by the name and style of The Culpeper and Madison Turnpike Company, conformable to the provisions of the Code of Virginia and acts amendatory thereof and supplementary thereto: provided, that said company shall not be required to pave or cover their road with stone or gravel, nor to make a summer road or side road; that the said road shall be cleared at least thirty feet wide and constructed at least eighteen feet wide: provided also, that the subscribers to the stock of said company may, at the election of the shareholders, pay the amount of their subscription, or any part thereof, either in money or in labor, work and services, at such rates or price as may be fixed by the board of directors of said company.

When corpora-
tion to com-
mence

Proviso

3. This act shall be in force from its passage.

Commence-
ment

CHAP. 425.—An ACT to Amend and Re-enact Section 8, Chapter 84 of the Code of 1860, in Regard to the Institution for the Deaf and Dumb and the Blind.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That section eight of chapter eighty-four of the Code of Virginia (edition of eighteen hundred and sixty), be amended and re-enacted to read as follows:

Code of Va.,
chap. 84, § 8,
amended

§ 8

"§ 8. There is hereby appropriated out of the public treasury, annually, thirty-five thousand dollars for the support of said institution, to be paid quarterly, on the orders of the board of visitors thereof, attested by their secretary and countersigned by the president."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 426.—An ACT to Enable the Pittsylvania and Lynchburg Turnpike Company to Rebuild their Bridge Across Staunton river.

Approved November 5, 1870.

Pittsylvania and
Lynchburg turn-
pike company
authorized to
issue new stock;
to what extent

1. Be it enacted by the general assembly, That the Pittsylvania and Lynchburg turnpike company are hereby authorized to issue new stock, in shares of fifty dollars each, to such extent as shall be necessary for the purpose of rebuilding their bridge across Staunton river, the certificates whereof shall state the purpose for which it is issued, and that it entitles the holders to an interest in the bridge only, and not in the road of the company.

Site of bridge,
&c.

2. The site of said bridge, together with the piers, abutments, and land thereto annexed, may be valued by three appraisers, one to be appointed by the board of directors of said company, another by the new subscribers, and the third by the two so appointed, whose valuation shall be recorded on the books of the company; and the existing company may hold stock in said bridge to the extent of such valuation and of the amount of money furnished by them for the rebuilding of said bridge; and the new subscribers may hold stock to the extent of the residue necessary to rebuild the same, so far as they shall subscribe therefor; and the existing company and said new subscribers shall be held liable to the extent of the stock so held by them, for expenses and repairs, and entitled to receive dividends in the proportion of the stock held by them respectively.

New directors

3. For the management of the affairs of said bridge, the new subscribers may appoint one director for every twenty shares of stock held by them, who shall sit with the directors of the company, forming, with them, one board in reference to the bridge; and in such meetings, the directors of the turnpike company, who shall be present, shall also cast one vote for every twenty shares of stock held by said company: provided, that in no case shall the aggregate of the votes cast by the directors of said turnpike company be less than three-fifths of the whole vote cast.

Proviso

Company may
purchase the
new stock
Within what
time company
to rebuild bridge

4. The said company may purchase the whole or any of said new stock from the holders thereof, and cancel the same.

5. If said company shall rebuild the said bridge so that the same shall be completed on or before the tenth day of April, eighteen hundred and seventy-two, they shall remain and be entitled to all the benefits and privileges conferred by the act of the nineteenth of February, eighteen hundred and thirty-

four, incorporating said company: provided, that after said bridge shall be completed, the company shall be subject to the provisions of the seventh section of said act, as to keeping the same in proper condition.

6. This act shall be in force from its passage.

Commence
ment

CHAP. 427.—An ACT to Incorporate the Deep Run Turnpike Company.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That it shall be lawful to open books under the direction of Thomas Johnston, William Smith, N. C. Sheppard, J. A. Lynham, Smith Thorpe, B. T. Johnson, and J. P. Ballard, and such other person or persons as any three of the above named persons may appoint, and at such time and place as they may select, for the purpose of receiving subscriptions to a joint capital stock, not exceeding in the whole thirty thousand dollars, to be divided into shares of twenty dollars each, for the purpose of constructing a turnpike road from the limits of the city of Richmond, near the Richmond college, on Broad street, to Short Pump, in Henrico county.

Commissioners

2. When five thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and they are hereby incorporated into a company, by the name and style of The Deep Run Turnpike Company, subject to the provisions of the general laws of the state applicable to such corporations, except so far as modified by this act: provided, that the said subscriptions shall be paid in as may be required by the board of directors when organized.

Deep Run Turn-
pike Company

3. The said company shall have the privilege, in making the said road, or any part thereof, to use gravel, rock, sand, or any other material which will maintain a good road, in all seasons of the year, as to them shall seem most expedient. The said company shall be and they are hereby authorized to erect gates across said road, and to charge tolls according to law, so soon as the said road is completed to the junction of the Staple's mill road, or the place on said road now known as Woodson's shop; and on every succeeding mile thereto as it may be completed.

Material

Toll gates

4. The said company, in constructing said turnpike, shall have the right to use the bed of the public road known as the Old Deep run turnpike, and the said company shall have the control of the entire width of said road so far as they may extend their turnpike along the line of the same: provided, that the said company shall not be required to make a summer or side road thereunto: and provided further, that the said turnpike road shall not be less than sixteen feet wide.

May use bed of
old road

Proviso

5. The said company is hereby authorized to receive and hold land or other species of property in payment of subscriptions to the capital stock, and to convey and otherwise dispose of the same: provided, that they shall not, at any one time, hold more than two thousand acres of land in any one county.

May hold land

Proviso

6. This act shall be in force from its passage.

Commence-
ment

CHAP. 428.—An ACT for the Government of Towns of Less Than Five Thousand Inhabitants.

Approved November 5, 1870.

Code of Va.,
chap. 54, § 11, 12,
13, 14, 15, 16, 17,
18, 19, 20, 21, 22,
amended

1. Be it enacted by the general assembly, That sections eleven to twenty-third of chapter fifty-four of the Code of Virginia, be amended and re-enacted so as to read henceforth as follows:

§ 11

“§ 11. In every incorporated town with less than five thousand inhabitants, unless the charter of said town otherwise provide, there shall be elected annually, on the fourth Thursday in May, one elector of the said town, who shall be denominated the mayor, and six other electors, who shall be denominated the councilmen of said town. The mayor and councilmen shall constitute the council of said town.

§ 12

“§ 12. The judge of the county within which such incorporated town is situated, shall, in term or vacation, not less than fifteen days before any election under this chapter, appoint one registrar and three judges of election, who may also act as commissioners of election. The registrar shall, at the times and in the manner prescribed by the laws of this state providing for registration of voters, make and revise lists of all persons qualified to vote for members of the general assembly, and who reside within the corporate limits of said town: provided, that the judge of the county court of any such county shall have power to order an election, under provisions of this chapter, to fill municipal offices for unexpired term to July first, eighteen hundred and seventy-one.

§ 13

“§ 13. The list of registered voters, so made, shall, by the registrar, be placed in the hands of the judges of election, who shall, at the time and in the manner prescribed by laws of this state governing elections by the people, open a poll at the place designated by the proper officer; and the manner of receiving the ballots, and canvassing and making return of votes so cast, shall conform to the general law, except as otherwise provided in this chapter.

§ 14

“§ 14. The electors of said town shall be all the actual residents of said town, qualified to vote for members of the general assembly.

§ 15

“§ 15. At the close of the election, which shall be at sunset of the day thereof, the persons conducting and superintending the election shall count the ballots and make duplicate returns of the result. One of said returns, with the ballots sealed up, shall be returned to the clerk's office of the court of the county; the other shall be returned to the council, and recorded in the record book of said council.

§ 16

“§ 16. There shall be but one place of voting in each town, which shall be fixed by the ordinances of the town or by the officer conducting the said election, in case there shall be no such ordinance. Of the time and place of such election, five days' notice shall be given by the sheriff to the electors of said town by causing written or printed notices to be posted at

three or more public places within the corporation, and in such other mode as he may deem best.

" § 17. If any sheriff fail to perform any duty required by § 17 this chapter, without a reasonable excuse therefor, he shall forfeit to the town one hundred dollars.

" § 18. The persons so elected, shall enter upon the duties of § 18 their office on the first day of July next succeeding their election, and shall continue in office until their successors are elected and qualified.

" § 19. Every person elected a councilman, shall take an oath § 19 faithfully to execute the duties of his office to the best of his judgment. The person elected mayor, shall also take the oaths prescribed by law for all state officers.

" § 20. The council shall judge of the returns by the sheriff § 20 or sergeant, and of the election and qualification of the persons returned; may fine members of their body for disorderly behavior, and with the concurrence of two-thirds expel a member. If any person returned be adjudged disqualified or be expelled, a new election shall be held at the same place on such day as the council or board may prescribe, to supply the vacancy. Any vacancy occurring otherwise during the term for which any of the said persons may have been elected, may be filled by the council, by the appointment of any one eligible to such office. A vacancy in the office of mayor may be filled by the council, either from their own body or from the electors of said town.

" § 21. The mayor, as chief magistrate of the corporation, § 21 shall take care that the by-laws and ordinances of said town be faithfully executed. The mayor and members of the council of said corporation, for the time being, are declared to be and constituted conservators of the peace within said town, and shall have all the power and authority for preserving the peace of said town which are now vested in the justices of the peace; they shall have power to issue process, and to hear and determine all prosecutions, cases, and controversies, which shall arise under the by-laws and ordinances of the said corporation; to impose fines and inflict punishments when and wherever they are authorized by the said by-laws and ordinances; and to issue executions for their collection, saving to the parties the right of appeal to the county court in all cases whatever, wherein the fine shall exceed the sum of ten dollars, which appeals shall be taken in the same manner and upon the same terms that appeals are now taken from judgments of a single justice of the peace.

" § 22. The council may adopt rules for the regulation of, § 22 their proceedings, but no tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, which vote shall be taken by ayes and nays, and recorded on the journal. The mayor shall preside over the said council, and when he is absent, they may appoint a president pro tempore. A journal shall be kept of their proceedings; and at the request of any member present the ayes and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the

previous meeting adjourned, or if he be not then present, by the person presiding when they are read."

Power to suspend and remove officers

2. The mayor shall have power to suspend, and the council shall have power to remove, all other town officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence.

Commencement

3. This act shall be in force from and after the first day of December, eighteen hundred and seventy.

CHAP. 429.—An ACT to Authorize Counties Containing Fifteen Thousand Inhabitants to Elect a Separate Clerk for the Circuit Court.

Approved November 5, 1870.

Separate clerk of circuit court of certain counties

1. Be it enacted by the general assembly, That in all counties containing a population of fifteen thousand or more (according to the census of eighteen hundred and sixty), there shall be elected at the next general election, by the qualified voters of such counties, a separate clerk for the circuit court, who shall hold his office for the term of four years, and receive the same compensation as now allowed by law to the clerks of circuit courts: provided, that after the expiration of the first term of four years, all elections for clerks of circuit courts shall be in accordance with the next preceding census.

Proviso

Commencement

2. This act shall be in force from its passage.

CHAP. 480.—JOINT RESOLUTION Rescinding the Joint Resolution in regard to an Adjournment Sine Die.

Agreed to November 5, 1870.

Resolved by the house of delegates (the senate concurring), That the joint resolution fixing this day for the adjournment of the general assembly sine die, be and the same is hereby rescinded.

CHAP. 481.—An ACT to Incorporate the Potomac and Valley Railroad.

Approved November 5, 1870.

Potomac and Valley Railroad Company incorporated

1. Be it enacted by the general assembly of Virginia, That it shall be lawful to open books of subscription for the capital stock of a company to be incorporated by the name of The Potomac and Valley Railroad Company, for the purpose of constructing a railroad from the town of Carrborough, on the

Potomac river, in the county of Prince William, through the counties of Prince William, Stafford, Fauquier, Culpeper, Rappahannock, Page, and Rockingham, to some suitable point of connection with the Valley railroad, in the last named county.

2. Be it further enacted, That the following persons are appointed commissioners to receive such subscriptions, namely: Aylett Nicol, Anson Bangs, Jesse Hoyt, William A. Bryant, and Charles W. C. Dunnington, at Brentsville, in Prince William county; John H. Suttle, Raleigh A. Cooper, Jaqueline M. Meredith, and Doctor Walter Hore, at Stafford store, in Stafford county; William Beale, Charles Gordon, William Calvin, and Lewis Waller, at Bealeton, in Fauquier county; Doctor Alexander Harris, Robert E. Utterback, William L. Browning, and Thomas Hill, at Oak Shade, in Culpeper county; Barnett Grimsley, Cornelius Smith, Thomas Deatherage, D. D. Miller, and Richard E. Luttrell, at Laurel mills; and Zeph. Turner, John Miller, Horatio G. Moffett, Samuel C. Spindle, and Middleton Miller, at Sperryville, in Rappahannock county; A. S. Modesett, Isaac Long, Daniel Dobel, Mann Spitler, and H. M. Keyser, at Luray, in Page county; John Gatewood, Joseph T. Logan, Wm. H. Effinger, and James L. Avis, at Harrisonburg, in Rockingham county; and the said commissioners, or a majority of them, appointed at each place respectively, are authorized to receive subscriptions to be made by individuals or corporations; and subscriptions to said capital stock by any other railroad company, located either within or without this state, are hereby allowed to be made and received in the discretion of the first named commissioners.

Commissioners

3. Be it further enacted, That it shall be lawful for the counties of Prince William, Stafford, Fauquier, Culpeper, Rappahannock, through their boards of supervisors, also to subscribe to the capital stock of said company, to an amount not exceeding one hundred thousand dollars subscribed on the part of each of said counties: provided, that no such subscription shall be valid until the same shall have been approved by three-fifths of the votes cast in each of said counties, at an election specially held and conducted according to law, at the several voting places in the said counties: and it is further provided, that in case such subscription shall be authorized by the voters of said counties, it shall be lawful for the supervisors of the said counties, respectively, a majority in each case being present, to appoint an agent or agents to make the said subscription in behalf of their said counties to the capital stock of said company; and the said subscription shall be paid in cash or in the coupon or registered bonds of said counties at par, the said bonds to be redeemable in not less than ten nor more than twenty years, as the supervisors of said counties, respectively, may elect, and shall bear interest at the rate of six per centum per annum; and they are further authorized and required to levy such additional taxes upon all subjects of taxation as will be sufficient to pay the interest on said bonds as it will accrue, and provide for the payment of the principal as it shall become due. The said bonds shall be exempt from taxation by the said counties.

Certain counties authorized to subscribe

Provide

Capital

Shares

May borrow
moneyLand in pay-
ment of sub-
scriptionsWhen road may
be workedCommence-
ment

4. Be it further enacted, That the capital stock of the said company shall not be less than fifty thousand dollars nor more than three million dollars, to be divided into shares of one hundred dollars each; and whenever the first named sum shall be subscribed by others than internal improvement companies, and two per centum of such subscription shall have been actually paid up, the subscribers shall be incorporated by the name and for the purposes mentioned in the first section of this act, and shall have full power and authority to effect the same, subject to the provisions of all general laws of the state applicable to such corporations.

5. Be it further enacted, That it shall be lawful for the said company, by and with the consent of the stockholders in general meeting assembled, to borrow money for the purposes of this act, to issue certificates of said loans, and to pledge any and all the property of said company, by mortgage or otherwise, for the payment of the same and the interest that may accrue thereon: provided, that no greater rate of interest shall be paid than is now allowed by law.

6. Be it further enacted, That it shall be lawful for the said company to receive not exceeding twenty thousand acres of land in payment of subscriptions for stock of the company.

7. Be it further enacted, That when the said company shall have completed and equipped their said road from Carrborough for a distance of twenty miles, they are hereby authorized to work the same as if entirely finished: provided, that the construction of said road shall be commenced within two years and completed within six years.

8. This act shall be in force from and after its passage.

CHAP. 432.—An ACT to Authorize Subscriptions to the Stock of Incorporated Companies by the City of Portsmouth, Town of Danville, and Counties of Norfolk, Nansemond, Isle of Wight, Sussex, Southampton, Greenville, Brunswick, Lunenburg, Mecklenburg, Halifax, Pittsylvania, Henry, Patrick, Pulaski, Carroll, Grayson, Smyth, and Washington.

Approved November 5, 1870.

Certain counties
and towns
authorized to
take sense of
voters as to sub-
scriptions to
Norfolk and
Great Western
railroad com-
pany

1. Be it enacted by the general assembly, That it shall be lawful for the county court, or the council, or board of trustees, of any of the following counties and towns, to wit: Portsmouth, Norfolk county, Nansemond, Isle of Wight, Sussex, Southampton, Greenville, Brunswick, Lunenburg, Mecklenburg, Halifax, Pittsylvania, town of Danville, Henry, Patrick, Pulaski, Carroll, Grayson, Smyth, and Washington, to make an order requiring the sheriff, or sergeant and commissioners of election, at a time to be designated in such order, not less than one month from the date thereof, to open polls and take the sense of the legal voters of such county or town on the question whether such county or town shall subscribe to the stock of the Norfolk and Great Western railroad company, incorporated to construct a railroad or turnpike through, by, or near such county or town, and by the construction of which

such county or town is likely to be benefited. The said order shall state the maximum amount proposed to be subscribed.

2. The commissioners of election who, if there be none otherwise legally appointed, may be designated by such court, or council, or board or trustees, after taking an oath faithfully to discharge the duties of their office, shall open polls at the various places of voting in such county or town, and at the time designated in said order, and shall conduct such election and close the polls as is provided by law in respect to other elections; and at such election each of said voters who shall approve such subscription shall deposit a ticket or ballot on which shall be written or printed the words, "For the subscription," and each of said voters who shall be opposed to such subscription shall deposit a ticket or ballot on which shall be written or printed the words, "Against the subscription."

Commissioners of election; how designated, and their duties

3. That immediately after the closing of the polls, the commissioners of election at the several places of voting in such county or town, shall count the ballots deposited at such election, and shall make return, within two days after such election, to the judge of such county court, or to the council or board of trustees of such town, of the number of votes cast "for the subscription" and the number of votes cast "against the subscription," and shall also return to and deposit with the clerk of such court, or council, or board of trustees, in separate packages, the ballots for and against such subscription; and it shall be the duty of such judge, or council, or board of trustees, to cause the ballots to be counted, to correct the polls, and to ascertain and certify the result of such election, and to cause the same to be entered in the proper record book of such court, or council, or board of trustees; and if it shall appear that three-fifths of the votes cast at such election are in favor of the subscription, such judge, council, or board of trustees, shall forthwith enter of record an order requiring the supervisors of the county, or the members of the council or board of trustees, to meet at a time and place, to be named in the order, to carry out the wishes of said voters. The sheriff or sergeant shall promptly summon the supervisors, or councilmen, or members of the board of trustees in pursuance of said order.

Ballots; counting and return of same, &c.

Supervisors, &c.; how summoned

4. If a majority of the whole number of supervisors or councilmen or trustees be present at the time and place so designated, they shall proceed to act; if not, they shall adjourn from time to time until a majority are present. The said supervisors, or councilmen, or trustees, a majority of the whole number being present, shall have power to determine what amount of the capital stock, not exceeding the maximum aforesaid, shall be subscribed for on behalf of the county or town, and shall enter of record the amount so agreed to be subscribed; and thereupon shall appoint an agent or agents to make the subscription, which shall be paid in such instalments as may be agreed upon by such board of supervisors, or council, or board of trustees, or as may be called for by the company.

Meeting and proceedings

5. And if in either of said counties or towns an election has already been held on the question of such subscription, in pursuance of the laws in force at the time such election was held,

Election already held, to be deemed valid

the same shall in all respects be deemed and held to be as valid as if the same had been held under the provisions of this act; and in such case, it shall be the duty of the county judge of the county, or of the council, or board of trustees of the town, promptly to ascertain the result of such election, and to certify and enter the same in the proper record book of the county court or council; and if it appear that the majority of the votes cast at such election, required by the laws in force at the time such election was held, were in favor of such subscription, the judge of the county court of such county, or the council or board of trustees of such town, and the supervisors of such county, when elected, or the councilmen or trustees of such town, as the case may be, shall in all respects proceed to act as provided for in the next preceding section, and as if such election had been held under the provisions of this act.

Quotas on said stock; loans for payment of same, how negotiated

6. For the purpose of paying the quotas on said stock as they may be called for, or the instalments of such subscription as they may fall due, the board of supervisors of the county, or the council or board of trustees of the town, shall have power to appoint an agent or agents to negotiate a loan or loans, and to issue bonds to secure the same, for and in the name of said county. Said bonds may be either registered or with coupons attached, as said board of supervisors, or council, or board of trustees may prescribe; and at the time at which the board of supervisors, or council, or board of trustees makes its levy for such county or town, it shall levy on all the lands and other subjects liable to state tax and county or corporation levy in such county or town, such tax to pay the amount of such subscription, or of such loan or loans as may be authorized, and the interest thereon; or to pay the interest on the bonds of the county or town, so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors, or council, or board of trustees may deem necessary or proper; and from year to year it shall repeat such assessments until the debt and interest be fully paid. But such levy for a year shall not exceed one-twentieth of the whole amount of such subscription and the interest thereon; and such bonds shall be irredeemable for twenty years, and, at the pleasure of the board of supervisors, or council, or proper authorities of the county or town, for a period not exceeding thirty years from the date of the same.

Levy for payment thereof

Sinking fund

Bonds; when redeemable

Right to such stock; how to vest
Proxies therefor

7. The right to stock in any such incorporated company, subscribed by either of said counties or towns, under the authority of this act, shall vest in such county or town; and the board of supervisors of such county, or the council or other authorities of such town, shall have power, from time to time, to appoint proxies to represent the stock in the meetings of the stockholders of the company, and also an agent to collect the dividends on its stock; which dividends, when collected, shall be applied annually in diminution of the county or town levy.

Dividends; how collected and applied
Inconsistent acts repealed

8. All acts inconsistent with the provisions of this act are hereby repealed.

Commencement

9. This act shall be in force from its passage.

CHAP. 438.—An ACT to Authorize Subscriptions to the Stock of Incorporated Companies by the Counties, Cities, and Towns through, by, or near to which the Shenandoah Valley Railroad Company shall have been Incorporated to Construct a Railroad Branch.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That it shall be lawful for the county court, or the council or board of trustees of any county, city, or town through, by, or near to which the Shenandoah Valley railroad company shall have been incorporated to construct a railroad and branches, and likely to be benefited thereby, to make an order requiring the sheriff or sergeant and commissioners of election, at a time to be designated in such order, not less than one month from the date thereof, to open polls and take the sense of the legal voters of such county, city, or town on the question whether such county, city, or town shall subscribe to the stock of said company incorporated to construct a railroad through, by, or near such county, city, or town, and by the construction of which, such county, city, or town is likely to be benefited. The said order shall state the amount proposed to be subscribed; and in case such order be made by the county court of any such county, or the council or board of trustees of any such city or town, the legal voters residing in any city or town located in any of such counties, as the case may be, shall be entitled to vote upon the question, and the taxable subjects in such town shall be assessed ratably with those of the county, as hereinafter provided.

Counties and towns near or by Shenandoah Valley railroad, authorized to subscribe thereto

2. The commissioners of election, who, if there be none otherwise legally appointed, may be designated by such court, or council, or board of trustees, after taking an oath faithfully to discharge the duties of their office, shall open polls at the various places of voting in such county or town, and at the time designated in said order, and shall conduct such election and close the polls as is provided by law in respect to other elections; and at such election, each of said voters who shall approve such subscription, shall deposit a ticket or ballot, on which shall be written or printed the words, "For the subscription;" and each of said voters who shall be opposed to such subscription, shall deposit a ticket or ballot, on which shall be written or printed the words, "Against the subscription."

Election therefore; how held

3. That immediately after the closing of the polls, the commissioners of election at the several places of voting in such county, city, or town, shall count the ballots deposited at such election, and shall make return, within two days after such election, to the judge of such county court, or to the council or board of trustees of such city or town, of the number of votes cast for the subscription and the number of votes cast against the subscription, and shall also return to and deposit with the clerk of such court, or council, or board of trustees, in separate packages, the ballots for and against such subscription; and it shall be the duty of such judge, or council, or board

Ballots counted; returns, &c.

of trustees, to cause the ballots to be counted, to correct the polls, and to ascertain and certify the result of such election, and to cause the same to be entered in the proper record book of such court, or council, or board of trustees; and if it shall appear that three-fifths of the votes cast at such election are in favor of the subscription, such judge, or council, or board of trustees, shall forthwith enter of record an order requiring the supervisors of the county, or the members of the council or board of trustees, to meet at a time and place, to be named in the order, to carry out the wishes of said voters. The sheriff or sergeant shall promptly summon the supervisors, or councilmen, or members of the board of trustees, in pursuance of said order.

Proceedings of
supervisors, &c.

4. If a majority of the whole number of supervisors, or councilmen, or trustees be present at the time and place so designated, they shall proceed to act; if not, they shall adjourn from time to time until a majority are present. The said supervisors, or councilmen, or trustees, a majority of the whole number being present, shall appoint an agent or agents to make the subscription in behalf of such county, city, or town, to the capital stock of the said company, to the amount specified in the order under authority of which the said election was held; and the said subscription shall be paid in cash, or in the coupon bonds of such county, city, or town, at par; the said bonds to be redeemed in not less than five nor more than twenty years, as such supervisors, councilmen, or trustees may elect, and shall bear interest at the rate of six per centum per annum, and the matured coupons shall be received by the authorities of such county, city, or town at par, in payment of all taxes, fines, and other like obligations.

Bonds; when
redeemed

Elections heretofore held for same purpose, declared valid

5. And if in either of said counties or towns an election has already been held on the question of such subscription, in pursuance of the laws in force at the time such election was held, the same shall in all respects be deemed and held to be as valid as if the same had been held under the provisions of this act; and in such case, it shall be the duty of the county judge of the county, or of the council, or board of trustees of the town, promptly to ascertain the result of such election, and to certify and enter the same in the proper record book of the county court or council; and if it appear that the majority of the votes cast at such election, required by the laws in force at the time such election was held, were in favor of such subscription, the judge of the county court of such county, or the council or board of trustees of such town, and the supervisors of such county, when elected, or the councilmen or trustees of such town, as the case may be, shall in all respects proceed to act as provided for in the next preceding section, and as if such election had been held under the provisions of this act.

Levy for payment of such loans

6. At the time at which the board of supervisors, or council, or board of trustees makes its levy for such county or town, it shall levy on all the lands and other subjects liable to state tax and county or corporation levy in such county or town, such tax to pay the amount of such subscription, or of such loan or loans as may be authorized, and the interest thereon;

or to pay the interest on the bonds of the county or town so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors, or council, or board of trustees may deem necessary or proper; and from year to year it shall repeat such assessments until the debt and interest be fully paid. But such levy for a year shall not exceed one-twentieth of the whole amount of such subscription and the interest thereon.

7. That in case a subscription be made by any such counties, the board of supervisors of the county shall levy the necessary tax on the lands and other subjects aforesaid, in such city or town, as the case may be, as well as on those outside of such city or town; and the collector of corporation levies shall collect and account for the levies for this purpose in like manner as the collectors of the levies in the counties are by law required to collect and account for such county levies.

Levy on town property

8. The right to stock in any such incorporated company, subscribed by either of said counties, cities, or towns, under the authority of this act, shall vest in such county, city, or town; and the board of supervisors of such county, or the council or other authorities of such town, shall have power, from time to time, to appoint proxies to represent the stock in the meetings of the stockholders of the company, and also an agent to collect the dividends on its stock; which dividends, when collected, shall be applied annually in diminution of the county or town levy.

How such stock shall vest

Proxies therefor

9. All acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed

10. This act shall be in force from its passage.

Commencement

CHAP. 484.—An ACT to Amend and Re-enact Section 7 of an Act entitled an Act Prescribing the Duties and Compensation of Certain Township Officers, approved July 11, 1870.

Approved November 5, 1870.

1. Be it enacted by the general assembly, That section seven of the act entitled an act prescribing the duties and compensation of certain township officers, approved July eleven, eighteen hundred and seventy, be amended and re-enacted so as to read as follows:

Act prescribing duties of township officers amended

“§ 7. The board of supervisors of every county may have a seal, and may alter the same at pleasure. They shall sit with open doors, and all persons conducting themselves in an orderly manner may attend their meetings. They may require the sheriff of the county, in person, or at his option, by one of his deputies, to attend their meetings and preserve order, or discharge such other duties as may be necessary to the proper dispatch of the business before them; and for his services in this behalf, the officer rendering them shall be entitled to a compensation, to be ascertained by the board and paid out of the county levy, not exceeding two dollars per day; or ten dol-

lars per annum. All questions submitted to the board of supervisors of any county for decision, under the provisions of this act, or of any law of the state, shall be determined by a vote of a majority of the supervisors present: provided, that in any case in which there shall be a tie vote of the board of supervisors of any county upon any such question, it shall be the duty of the clerk of such board to certify such fact to the judge of the county court of such county, who shall thereupon attend the meeting of such board, and the vote of such board shall be again taken upon such question, and if the number of the votes of the supervisors present be cast in the affirmative be equal to that cast in the negative, it shall be the duty of such judge to give the casting vote, and thereby decide such question; whereupon the proper order or ordinance in execution of such decision shall be entered by the clerk, and any decision, order, or ordinance so determined, entered, or made, shall be as binding and valid, to all intents and purposes, as if the same were determined, entered, or made upon the votes of all or a majority of such board."

Commence-
ment

2. This act shall be in force from its passage.

CHAP. 435.—An ACT to Incorporate the James River Bridge Company.

Approved November 5, 1870.

Preamble

Whereas, a bill containing mainly the same provisions hereinafter enacted, and having the same title, passed both branches of the general assembly before its late recess, but the same not having been approved by the signature of the executive, difficulties have occurred tending to embarrass the enforcement of the provisions of said bill: therefore, in order to remove all difficulties in the premises,

James River
Bridge Com-
pany incorpo-
rated

1. Be it enacted by the general assembly, That William G. Taylor, William I. Clopton, James M. Moody, C. C. McRae, and Erasmus Gary, who have been nominated by the trustees of the town of Manchester as suitable commissioners to represent the interests of said town, be and they are hereby constituted a body corporate under the name and style of The James River Bridge Company, and as such, they shall have a common seal, and have authority to sue and be liable to be sued.

Board of Com-
missioners

2. Said commissioners shall, as soon as convenient, organize by the election of a president, vice-president, and secretary; and after such organization, they shall be known as The Board of Commissioners of the James River Bridge Company. They may enact suitable by-laws for the purposes of their organization; appoint other necessary officers: provided, however, that no member of said board shall receive any compensation for any services performed by him as commissioner.

Duties of board

3. The said board are authorized to contract for the construction, and cause to be constructed, a bridge across the

James river at any point from the corporate limits of the city of Richmond to any point on the opposite side of the river, either at, above, or below the town of Manchester.

4. For the purpose of carrying out the provisions of this act, the trustees of the town of Manchester, or their successors in authority, are hereby authorized to subscribe, in behalf of said town, a sum not exceeding five hundred thousand dollars; and in order to raise the whole or any part of such subscription, the said trustees, or their successors in authority, through the agency of said board of commissioners, may borrow the money, or any part thereof, payable in such times and on such rates of interest, not exceeding twelve per centum per annum, payable annually or semi-annually, as the commissioners, with the approval of said trustees or their successors in authority, may deem best. The said trustees, or their successors in authority, may execute for such loan, coupon bonds, or any other form of obligation the commissioners may deem suitable, and the credit of the town of Manchester shall be pledged for the redemption of such loan, and the same may be secured by a trust deed on the land, with its water-power, appurtenances, and rents, known as the town commons.

Subscription of trustees of Manchester

5. Said board of commissioners shall, as soon as said bridge is ready for travel, provide for charging tolls, and regulate the rates of said tolls: provided, that the maximum rate on any person, vehicle, animal, or article, shall not exceed the maximum rate now allowed to be charged for passing over the toll-bridge at Richmond known as Mayo's bridge. Said commissioners shall also provide for the appointment of toll-gatherers and other necessary and proper agents.

Tolls

6. All revenues derived from said bridge shall be managed and kept in such manner as the said board, with the approval of said trustees, or their successors in authority, may prescribe; but the same shall be kept distinct from other funds or revenues of said town, and shall be applied, first, exclusively to the keeping said bridge in repair and paying the current expenses thereof; secondly, to the redemption or repayment of the principal sum, with interest, expended in the original construction of said bridge.

Revenues; how managed

7. The net income derived from the rents of the town common, and the water-power appurtenant thereto, shall be specially set apart and applied to the payment of the interest accruing on the existing bonded debt of the town, together with the interest on any debt incurred by the town under this act, so far as it may be necessary for the said town to look to any source for the payment of the debt contracted under this act other than the revenues to be derived from said bridge.

Interest on bonds

8. Said board of commissioners may, from time to time, discontinue the collection of tolls, and from time to time, upon reasonable notice, resume such collections, as circumstances may authorize, in pursuance of the other provisions of this act.

Collection of tolls; how discontinued, &c.

9. If any person shall refuse to pay toll when properly demanded, he shall forfeit ten dollars, which, together with the toll so due and costs, shall be recoverable before any justice of the peace. Any sum so recovered shall be applied in the same

Penalty for refusing to pay toll

manner with tolls; but this provision shall not be deemed to impair the right of said board of commissioners or their agents to refuse passage to any person or thing on or over said bridge until the lawful tolls are paid therefor.

Fast riding or driving

10. If any person shall ride or drive on or over said bridge at any gait faster than a walk, the person so offending shall forfeit ten dollars, to be recovered, with costs, and applied as in the preceding section provided.

Width of bridge

Board may acquire land necessary; how much

11. Said bridge, with the roads or streets leading thereto or therefrom, shall not be more than eighty feet wide. Said board of commissioners are authorized to acquire, by contract, the land necessary for the purposes of said bridge and its proper appurtenances, and no more; or they may acquire the same by condemnation, in pursuance of the provisions of chapter fifty-six, Code of Virginia (eighteen hundred and sixty), and the general Acts of assembly and laws regulating condemnation of lands for public purposes, to be pursued and adopted as far as practicable and consistent with the provisions of this act. But they shall not acquire any lands or houses used for the purposes of Mayo's bridge; but this proviso shall not be so construed as to prevent the condemnation of any land or houses belonging to the owners of Mayo's bridge not necessary for the uninterrupted passage over said bridge of persons or vehicles.

Use of bridge may be let, &c.

12. Said board of commissioners are authorized to let the use of said bridge, on such terms as may be agreed on, to individuals or companies for fixed periods, in lieu of receiving from such persons or companies the ordinary rates of tolls during such periods; and said board of commissioners may contract with any person or company for a temporary or permanent exemption from tolls of certain persons or other things; or they may contract for such exemption either to be temporary or perpetual, applicable to the owners or occupiers of particular tracts, lots, or parcels of land, which last named right of exemption shall be appurtenant to the land, and shall be evidenced by such instruments and in such form as the said board of commissioners may, by its by-laws, prescribe, or may otherwise be agreed on between the parties; and the clerk of the county court of Chesterfield is required to record in the deed book of said county, any such evidence of exemption offered for record, if certified as deeds are required to be certified for record.

Exemptions from tolls; how

Street railway on bridge, &c.

13. Said bridge may be constructed with the view of accommodating a street railway over the same, and the said board of commissioners may construct such railway, and out of the capital stock and funds of said company put and keep the same in operation; or they may contract with other persons or companies either for the construction of such street railway or for running their cars over the same, or both purposes; and said commissioners are authorized to extend such street railroad to any point or points over and through the streets of Manchester, or over the roads and streets adjacent thereto, in the county of Chesterfield, not exceeding five miles, in any branch, from the corporate limits of said town; and they are also au-

thorized to connect said railway with the street railway in Richmond, with the consent of the company or other persons owning the said last named street railway, and of the council of the city of Richmond.

14. The right of condemnation or purchase shall apply to the opening of any new street or road either within or without the corporate limits of Manchester, in the county of Chesterfield, or for the widening of any existing street or road, which may be deemed by said commissioners convenient for the use of said bridge or railway.

Right of condemnation or purchase

15. All persons residing in the town of Manchester, shall, during such residence, be entirely exempt from tolls on their persons. All vehicles, animals, or articles, kept in said town by persons residing therein, shall be subject to like exemption from tolls; and all persons or companies leasing water-power from said town, in regard to all transportation connected with their business as such lessees, shall be entitled to like exemption, without regard to the personal residence of such lessees, when the transportation is done by vehicles and animals exempted from tolls as above, or by vehicles and animals kept by such lessees in said town. It shall be incumbent on any person or company to establish or prove his or their claim to exemption under this section in such manner as the said board of commissioners may prescribe.

What persons, &c., exempt from tolls

16. The said board of commissioners, with the approval of the trustees, or their successors in authority, of the town of Manchester, are authorized to negotiate with the proper authorities of the county of Chesterfield, or any township formed or to be formed therein, and with the common council or other proper authorities of the city of Richmond, in accordance with the sixty-seventh section, chapter five of the charter of said city, and with individuals, or with any of them, for subscription, to be made by such county or any township therein, and by said city, or by such individuals, to the capital stock of said company; and if any such subscriptions are made, a corresponding reduction shall be made in the subscription otherwise necessary to be made by the town of Manchester; and the authorities of the county of Chesterfield, or any township thereof, or of the city of Richmond, agreeing with the said board of commissioners, with the approval of the trustees of Manchester, or their successors in authority, shall have like powers with the said trustees of Manchester, or their successors in authority, to borrow the sum subscribed by them, or any of them. Such agreement may involve a temporary, perpetual, or partial exemption from tolls of the residents of the county, city, or township subscribing; and the county, or township, or city subscribing, may appoint such additional members of the board of commissioners, in proportion to their subscriptions, as may be agreed on, to represent such county, township, or city: provided, however, that the whole number of such commissioners shall not exceed fifteen; and any additional commissioners, so appointed, shall constitute a part of the original board organized as hereinbefore provided. The proper authorities of the county, township, or city subscribing under this section, shall

Subscriptions to capital stock

have relation and authority to and over the commissioners appointed by them, similar to that conferred on the trustees of the town of Manchester, or their successors in authority, in regard to the commissioners representing said town. The town of Manchester shall be exempt from the burden of any subscription made under this act otherwise than the subscription made by said town in its corporate character; and any subscription which may be made by the county of Chesterfield, or by the township of which Manchester forms only a part, shall be made in behalf of and charged exclusively against that part of the said county, or that part of the township, as the case may be, not embracing the corporate limits of said town, in like manner as though such town did not constitute a part of such county or such township.

Subscriptions
from individuals

17. The board of commissioners named in this act alone, or if others be appointed under the preceding section, the board so constituted may, in their discretion, take subscriptions from individuals for any amount of the capital stock not otherwise raised, to be in like manner used also in reduction of the subscription on behalf of said town of Manchester, and such individuals may, together, appoint commissioners in proportion to the aggregate of their subscriptions aforesaid; and the authorities of the town, county, township, or city represented by said commissioners respectively, may agree, severally or jointly, to guarantee any loans made by or in behalf of said individuals, or any of them, to effect their subscriptions and take from such individuals such security on real estate, as may be agreed on, to indemnify the corporation or corporations so guaranteeing from loss.

Commissioners;
their term of
office

18. The commissioners named in the first section of this act shall alone, or other, if any other be associated with them under the provisions of this act, together with such others, continue in office until the first day of May next succeeding one year from the completion of the bridge authorized in this act, or until their successors are respectively appointed, as hereinafter provided.

Commissioners;
how appointed

19. The trustees of the town of Manchester, or their successors in authority, and the county, city, or township, as the case may be, and any individual subscribers subscribing under this act, shall appoint, after one year from the completion of said bridge, annually, in the month of January, or thereafter, the number of commissioners they are respectively entitled to have in said board, whose time of service shall commence from the first day of May of each year, or for the unexpired time of one year from the first day of May of each year (if such appointments be made after the first of May), and such commissioners, so hereafter to be appointed, shall reside in the county, city, or town, or township, as the case may be, of the respective corporations they respectively represent; except that any commissioners which any individual subscribers are authorized to appoint, may reside either in the city of Richmond, or the county of Chesterfield, or the town of Manchester; but such commissioners, elected on behalf of individual subscribers, shall

vacate their office by subsequent removal from the corporation or township in which they resided when elected.

20. The commissioners acting under this act shall not be personally liable on any contract or undertaking made in pursuance thereof, but the town, county, city, or township, or individuals they may represent, shall be respectively bound in proportion to their respective unpaid subscriptions. The company may be sued by bill in equity in the chancery court of the city of Richmond, and if subscriptions are made by parties other than the town of Manchester, the corporations and individuals shall be made parties defendant, as well as the commissioners; but summons against individual subscribers may be served by publication. The court shall ascertain which of the said town, county, city, townships, or individuals, are particularly liable, and decree redress accordingly.

Liability of commissioners

21. All meetings of the said commissioners shall be held in the town of Manchester or city of Richmond. A majority of the commissioners shall constitute a quorum for business. They may prescribe the periods for regular meetings.

Meetings of commissioners

22. The bridge constructed under this act, together with land and appurtenances acquired under section eleven of this act, shall be bound, without any written mortgage, pledge, or security other than this act, for any loans made to effect its construction; and the holders of all bonds or obligations issued for this purpose, may enforce the lien hereby created by suit in equity in the chancery court of the city of Richmond, and the said court may direct the lease or sale of said bridge, as may be appropriate and proper, to secure a satisfaction of such lien; and any such purchaser or lessee shall be substituted to all the rights of the company to charge tolls, and all exemptions from tolls shall, so far as necessary, cease in favor of the purchaser or lessee, wholly or partially, as the court may direct.

Bridge; how bound for loans, &c.

23. The town, city, county, or township making loans under this act, may, any or all of them, agree, any one or more, to become liable as surety for the loans effected for the purposes of this act by any one or more of them, such undertaking between parties so agreeing being reciprocal; but any pledge or mortgage made of the town common aforesaid, shall be made only in regard to the subscription in behalf of said town.

Surety for loans

24. The construction of the bridge herein authorized, may be commenced at any time within two years from the passage of this act, and completed within five years thereafter.

Within what time bridge commenced and completed

25. The commissioners acting for each town, city, county, or township, may supply any vacancy occurring in their respective members, before any election is authorized, or until successors are appointed under this act.

Vacancy in board of commissioners; how supplied

26. The company hereby incorporated shall enjoy all the rights conferred, and be subject to all the liabilities imposed, on other bodies corporate by the statutes and laws of Virginia, as far as applicable and consistent with this act.

Rights, liabilities, &c.

27. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly; and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Commencement, &c.

CHAP. 436.—JOINT RESOLUTION in Regard to an Adjournment Sine Die.

Agreed to November 7, 1870.

Resolved by the house (the senate concurring), That the general assembly will adjourn sine die on Thursday next, the tenth of November.

CHAP. 437.—JOINT RESOLUTION Requesting Governor to Return to the Senate Senate Bill No. 303, entitled an Act to Amend and Re-enact Sections 4 and 5 of the Act entitled an Act Relating to Fences and for the Protection of Crops, passed January 26, 1866.

Agreed to November 9, 1870.

Resolved (the house of delegates concurring), That the governor be respectfully requested to return to the senate, for reconsideration and amendment, senate bill number three hundred and three, entitled an act to amend and re-enact sections four and five of the act entitled an act relating to fences and for the protection of crops, passed January twenty-sixth, eighteen hundred and sixty-six.

CHAP. 438.—JOINT RESOLUTION Requiring the State Librarian to Mark and Place in the Attorney-General's Office, a Volume of each of the Virginia Reports, &c.

Approved November 10, 1870.

Resolved (the house of delegates concurring), That the state librarian be required to mark and place in the attorney-general's office, a volume of each of the Virginia Reports and a volume of the Acts passed by the general assembly at each session, of which there are duplicate copies in the state library; for each of which volumes placed in his office, the attorney-general shall give his receipt to the librarian, and he shall be responsible to the state for the same at the cost price of each volume.

CHAP. 439.—An ACT to Incorporate the Land Improvement Company.

In force November 10, 1870.

The Land Improvement Company incorporated

1. Be it enacted by the general assembly, That Daniel R. Brower, Charles G. Bickings, A. B. Longaker, R. A. Bright, Jas. W. Custis, and W. S. Peachy, and such other persons as may become associated with them, and their successors, be and they are hereby created a body politic and corporate, by the name, style, and title of The Land Improvement Company;

and by that name and title they shall be known and have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, and of receiving, using, holding, granting, and conveying property, real, personal, and mixed, and of improving the same by the erection of dwellings, tenant houses, barns, and so forth, and with the privilege of constructing and using such other works and improvements as may be deemed expedient and proper by them; and also to lease or farm, let, or dispose of in fee simple or otherwise, of the whole or any part of their property, real, personal, or mixed, with or without improvements, and of all the products or profits of the same, in such markets and places, and at such prices, and on such terms, as to them shall seem advisable: provided, that the said company shall at no one time hold more than thirty thousand acres of land within this commonwealth.

2. That the object of said corporation shall be the promotion of the settlement of the uncultivated lands of this state; and in order to secure to settlers and purchasers, or tenants, the means and capital necessary for the cultivation and improvement of their lands, and for the better holding and obtaining their farm stock, implements, and farming utensils, and household goods, the said tenants or purchasers may execute and deliver to the said corporation a chattel mortgage upon their live stock, growing crops, farm implements, household goods, and other property, at a rate of interest mutually agreed upon between the parties, not exceeding ten per centum per annum, which said mortgage shall be and remain a lien upon the chattels and things therein enumerated, from the day and date of its recordation in the proper office, and also to sell and convey their said real estate, or any portion of the same, subject to a mortgage or other encumbrance for the whole or any portion of the purchase money, at a rate of interest not exceeding ten per centum per annum, payable at such times as may be mutually agreed upon between the parties; and their grantees, whether by lease, purchase, or otherwise, may be aliens as well as citizens of the United States of America.

Object of company

3. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same from time to time to five hundred thousand dollars, to be divided into shares of not less than fifty dollars each; and all the property held by the said company shall be held and enjoyed, and transmitted as personalty.

Capital
Shares

4. The said company shall have power to create mortgages on any part, or on the whole of their property, real, personal, or mixed, at a rate of interest not exceeding ten per centum per annum, and may increase their resources, from time to time, by borrowing money upon a pledge of their property, or without pledge.

Mortgages

5. That the said corporation shall have the right to fix the number of directors by their by-laws, a majority of whom shall be a quorum, one of whom shall be president, to be elected by them, and may elect one of their number secretary, and one of their number treasurer, and fix such compensation as they may deem necessary, if no compensation be provided by the

Directors and other officers

by-laws. And the said directors and officers shall hold their offices for such term as may be provided by the by-laws, or until their successors shall have been elected. The directors shall be citizens of the United States, and the principal office of the said company, or place of business, shall be in the city of Richmond, and branch offices at such points as may be designated by the stockholders.

Corporate
powers

6. The said corporation shall be and they are hereby authorized to make all such by-laws and regulations to enable them to carry out the business and objects of the corporation as they may deem proper, and to alter and amend the same at pleasure; but no by-law shall be made contravening the constitution and general laws of this state or of the United States. They may fix and elect or appoint their own officers and agents, and remove them at pleasure; may adopt a corporate seal, and alter the same; may make and issue capital stock and sell the same, and fix the amount of shares and the par value of the same, and issue certificates therefor, representing the value of their property in such form, and subject to such regulations and interests as they, from time to time, may prescribe, and may regulate and prescribe in what form and manner their contracts and obligations shall be made and executed; may fix the number of the directors of the company, and increase or diminish their number, and fix their term of service; may, by a vote of two-thirds in interest of the stockholders, called by such number as may be designated by the by-laws, stating the purpose of the meeting, remove any director, officer, or agent, and appoint successors to fill the vacancies so made, or may abolish the office or agency.

Duration of cor-
poration

7. This act shall continue in force for the period of thirty years, unless it be sooner dissolved by a majority in interest of the stockholders; and said dissolution shall be effected in such way, and subject to such rules and regulations, as may be agreed upon from time to time by a majority in interest of the stockholders.

Commence-
ment

8. This act shall be in force from its passage.

CHAP. 440.—An ACT to Incorporate the Alexandria Insurance Company of Alexandria, Virginia.

Approved November 10, 1870.

The Alexandria
Insurance Com-
pany incorpo-
rated

1. Be it enacted by the general assembly, That M. D. Corse, W. J. Boothe, John H. Brent, Jno. W. Green, Wm. H. Lambert, James F. Catlin, William Cogan, George H. Robinson, E. S. Leadbeater, E. F. Witmar, P. B. Hooe, George Washington, Jno. S. Knox, Jr., and Morton Marye, and such other persons as may hereafter be associated with them, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Alexandria Insurance Company of Alexandria, and they are hereby invested with all the rights, privileges, and powers conferred on the Ameri-

can insurance company of Norfolk, by act passed February twenty-sixth, eighteen hundred and forty-nine.

2. Be it further enacted, That in addition to the rights, privileges, and powers hereby conferred, the said company may discount notes, bills of exchange, drafts, and lend money for a period not to exceed six months, and at any interest not to exceed twelve per centum per annum.

Rights, privileges, and powers

3. Be it further enacted, That the persons named in the first section of this act, shall be the commissioners, any three of whom may act.

Commissioners

4. Be it further enacted, That the capital stock of said company shall not be less than thirty thousand dollars or more than two hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each, five dollars on each share subscribed for to be paid to the commissioners in cash, and upon the organization of the company, the residue, to be secured by the bonds of the subscribers, with security approved of by the board of directors, the subscribers not to be entitled to the rights and privileges of stockholders until such bonds and security be given, or the whole amount of subscription be paid.

Capital stock

Shares

How paid

5. Be it further enacted, That the stockholders who shall pay the whole amount of their subscriptions, shall be entitled to twelve per centum per annum on twenty dollars of each share until it be necessary, as hereinafter provided for, to call for the residue or any part thereof, secured by the bonds of the stockholders.

Per centum on share

6. Be it further enacted, That when any subscriber shall fail to pay a portion, or the whole of the sum secured by bond as aforesaid, within thirty days after the same shall be called for and demanded by order of the board of directors to pay loss or losses, the same may be recovered of the subscriber and his surety, by motion, upon ten days' notice in the circuit court of Alexandria county, and from the time the demand is made as aforesaid, the stockholders, who have paid the whole amount of subscription, shall cease to be entitled to interest on twenty dollars of each share, as provided for in the fourth section of this act, and shall be entitled to interest on such amount of each share as shall remain uncalled for.

Subscription; how recovered

7. This act shall be in force from the passage thereof, and shall be subject to any amendment, alteration, or modification, at the pleasure of the general assembly.

Commencement, &c.

CHAP. 441.—An ACT to Amend and Re-enact Sections 1, 2, 3, 4, 5, 6, 7, 15, 17, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 48, of Chapter 52 of the Code of Virginia (edition of 1860), so as to make the Provisions of the Chapter Conform to the Constitution.

In force November 10, 1870.

Road districts;
how formed, de-
signed, and
altered

“§ 1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the township board in each township in the several counties of this state, to meet as soon as may be after the passage of this act, and divide their respective townships into one or more road districts, and to spread upon their township records the order making such division, which shall define clearly the boundaries of each district; and where a public road is the boundary line of any such district, shall declare to which district the same, or parts thereof to be designated by them, shall belong, and shall number the same as road district number , of the township of , and said board may, from time to time, alter or change the boundaries of such districts; but when such change is made, the order making the same shall be recorded as above directed, and a copy thereof posted at some public place in each district affected thereby; but no such change shall be made in the boundaries of any road district for sixty days prior to any annual township election.

Commissioner
of roads; qualifi-
cation, and bond

“§ 2. Each commissioner of roads elected on the fourth Thursday in May, eighteen hundred and seventy, shall, on or before the first day of January, eighteen hundred and seventy-one, and every commissioner of roads hereafter elected, shall qualify at the time and in the manner prescribed for the qualification of township officers, and shall, at the time of his qualification, or if he shall have already qualified, give bond in the penalty of not less than five hundred dollars nor more than two thousand dollars.

Overseer of
roads; qualifi-
cation, and bond

“§ 3. It shall be the duty of each township board, as soon as their township shall have been laid off into road districts, to appoint an overseer of roads for each road district in their township, who shall, before entering upon the discharge of the duties of his office, qualify and give bond in the manner prescribed in this act for other overseers of roads to qualify and give bond, and shall hold his office until the first day of July, eighteen hundred and seventy-one: provided, that in townships where, from any cause, there are no officers, or not a quorum to constitute the township board, then the judge of the county court shall appoint the necessary overseers in any township. His duties, powers, liabilities, and compensation shall be the same as other overseers under this act.

Proviso

Election of over-
seer of roads;
duties, &c.

“§ 4. There shall be elected, annually, in each road district of the several townships in this state, at such time as may be designated by the township board, but not later than the fourth Saturday in May, one overseer of roads, who shall be a resident of the road district in which he is elected, and who shall qualify on or before the first day of July next after his

election, by taking the oaths of office prescribed by law, before one of the justices of his township, and entering into bond, in a penalty to be prescribed by the township board, but not less in any case than double the amount and value of any property, taxes, and moneys which will probably come into his hands during the year, conditioned that he will account for such taxes, moneys, and property that pass into his hands as such overseer, and in all other respects, faithfully discharge the duties of his office; which bond shall be acknowledged before the township board, with sureties to be approved by them, and shall be filed and kept by the township clerk with the township records.

“§ 5. For all elections held under this section, it shall be the duty of the township board of roads in each township to designate the place for holding the same in the several road districts in its township, and shall cause the overseers of roads to post notices thereof at three or more public places in their several districts for at least ten days next preceding any such election. Such board shall also appoint a discreet citizen from each road district in his township (at least ten days before such election), to act as judge of election. The judge of election so appointed shall obtain from the clerk of his township a certified list of the qualified voters in his road district, which list shall be evidence of the right of the persons named therein to vote at such election, and no person not named therein shall be entitled to vote at such election. The judge of election shall appoint a clerk to keep the poll book at the election for which he is appointed. The poll for such election shall be opened at twelve o'clock, M., and closed at six o'clock, P. M., of the day on which such election is held. Such election shall be conducted, and returns thereof made, signed, and certified in the same manner, as nearly as may be, and under the same penalties as prescribed for elections held under the general election laws of the commonwealth: provided, that the returns of such election shall be made by the judge of election to the clerk of his township, who shall file the same among the records of his township, and notify the person elected of his election.

Notice of election, &c.

“§ 6. No person shall be eligible either to the office of commissioner of roads or of overseer of roads, who is at the time supervisor, a justice of the peace, or township clerk in the same township, nor shall the same person be both commissioner of roads and overseer of roads in his township.

Who shall be eligible

“§ 7. Each township board, at its annual meeting in July, shall assess and levy a tax upon the property, real and personal, of the township, assessed for state revenue, an amount which, with the labor contributed under the fifteenth section of this act, shall be sufficient to pay the expense of keeping all the public roads in its township in good repair, and of such width and condition as may be required by law: provided, that the assessment on property shall not be more, in any one year, than ten cents on the hundred dollars; the assessment to be made upon the same basis as that upon which state revenues are levied.

Road tax

Tax list	<p>“ § 8. When the assessment has been made, the board shall require the clerk to provide a suitable book for each road overseer, and write in it the name of each overseer and each person that belongs to his district, and opposite the name of each person the tax which has been assessed upon him. Such list of taxes shall be delivered to each overseer, to be collected by him in the manner provided for in this act.</p>
Schedule of credits	<p>“ § 9. The board shall also prepare a schedule, which shall show at what rate each tax payer shall have credit for his labor on the public roads, and for the use of his teams, ploughs, and other implements used thereon: provided, that the credit for labor shall not exceed the rate of eight cents for each hour for an able-bodied hand: and provided further, that no credit shall be allowed for the use of any implement the market value of which does not exceed three dollars. A copy of this schedule shall be delivered to each road overseer by the clerk.</p>
Notification to persons taxed	<p>“ § 10. At such times as the overseer may judge most suitable, he shall notify all persons taxed in the list which he has received from the township clerk, of the day on which he requires them to work on his road. At the time appointed, it shall be the duty of each tax-payer to perform such labor as the overseer shall direct, and to furnish such teams, wagons, carts, scrapers, or other implements, if he have them, as the overseer may require. The overseer shall keep a strict account of all credits due any tax payer for services rendered in accordance with the schedule furnished by the board, and whenever the tax upon any person has been worked out, such person shall be discharged.</p>
Tax may be paid in money	<p>“ § 11. But if any tax payer prefers to pay his tax in money, then the overseer shall receive it and expend it on his road, by hiring labor or purchasing such material as he may need: provided, that the prices paid for work or material shall not exceed the neighborhood rates.</p>
Proceedings to collect arrears	<p>“ § 12. Each overseer of roads may, at any time, when a tax payer in his district is in arrear in the payment of his road tax, by labor and material, or the use of teams and implements, if he believes such tax payer does not intend to pay his road tax, or that he is about to remove from his district, he may, from the book in his possession, make off a tax ticket against such tax payer, and upon affidavit of the facts upon such tax ticket, place such ticket in the hands of one of the constables of his township; and after any tax payer shall have had an opportunity to pay his road tax in labor and material, or the use of teams and implements, the overseer shall place the ticket against such tax payer in the hands of one of the constables for his township. Such constable shall receipt for the same, to be paid to said overseer, or his successor in office, when collected, and shall forthwith levy and collect the same, with ten per centum thereon for his own commissions, in the same manner as other taxes are collected; and for this purpose, shall have all the powers now vested in township collectors for the collection of taxes, and when collected, shall pay the same, less his commissions, to the overseer of the district from which the ticket originally came.</p>

"§ 13. At the annual June meeting of the township board, the overseer shall render an accurate account to the board, showing how much of the taxes in his list have been collected and expended, what amount of fines have been collected and expended, and what persons are delinquent; how much has been paid in money, and how much commuted by labor, teams, and implements; and how much, in his opinion, it will take to keep his road in order for the ensuing year; who are delinquent, and for what sums. And said overseer shall have credit in his settlement for all receipts of constables for taxes charged against him, which shall be charged against his successor; but the township board may, at any time, credit such overseer with any taxes which appear to be insolvent, and which the overseer may make affidavit have not been collected by him.

Annual account
of overseer

"§ 14. The overseer and his sureties shall be liable, upon his bond, for any failure to account for any taxes in his hands; and if he fail to make such settlement as is provided for in the preceding section, or fail to account for all taxes placed in his hands, the township clerk shall at once place his bond in the hands of the attorney for the commonwealth for the county, who shall sue upon the same for the use of said township, and shall be entitled to a fee of five dollars, to be taxed in the cost of the suit.

Liability of
overseers

"§ 15. All male persons in each road district shall be appointed by the overseer of roads for that district, and compelled to work on some public road therein two days in each year, with the following exceptions, viz: persons under sixteen and above sixty years of age, and persons who reside in a town that provides for its poor and keeps its streets in order. A list or designation of the persons so appointed to work on the public roads shall be filed by the said overseer of roads with his township clerk.

Who compelled
to work on roads

"§ 16. Every person required to work shall, either in person or by a sufficient substitute, when required by the overseer of roads for his district, attend with proper tools, and work the road on such days (not exceeding two in the year) as the said overseer of roads may direct. For every day on which there may be a failure, eighty cents shall be paid as a fine to the said overseer of roads, within twenty days thereafter, by the person in default, if a person of full age, or if he be an infant, by his parent or guardian. If the money be not paid, it shall be recoverable by the overseer of roads, with costs, before a justice, and said justice shall issue a writ of fieri facias for said fine and costs, which, when collected, shall be paid to the said overseer of roads. Any money received by an overseer of roads under this section, after the payment of costs, shall be applied to the improvement of the roads in his district.

List

Duty of persons
so liable

Fines

How recover-
able

How applied

"§ 17. Each overseer of roads shall cause the roads under his charge to be kept clear and smooth, free from loose rocks, from gates unlawfully kept up, and other obstructions, of the required width, well drained, and otherwise in good order, and secure from the falling of dead timber therein. He shall keep at the fork or crossing of every road, a sign board, on which shall be stated, in plain letters, the most noted places to which

Roads; how
kept, &c.

each road leads, and across each stream, where it is necessary and practicable, a sufficient bridge, bench, or log, for the accommodation of foot passengers.

Complaint as to
condition of
roads

“§ 18. Upon complaint to the county court by any citizen of the county, or upon presentment by the grand jury, that any road in such county is not in such condition as the law requires, the court, in its discretion, shall summon the township board of the township in which road may lie, to appear before it, upon a day named in such summons, to show cause why they shall not be compelled to levy a sufficient tax to keep such road in order, and if, in the opinion of the court, upon the hearing of said cause, the same is necessary, it shall, by mandamus, compel said township to levy a sufficient tax to keep their roads in order, and the cost of such proceeding shall be paid by the individual members of such township board. The attorney for the commonwealth shall appear for the complainant; but if such complaint shall be decided against a complainant, he shall pay all costs, but nothing shall be paid to the attorney for the commonwealth.

Compensation
of overseer

“§ 19. Each overseer of the road shall receive for his services two dollars per day for each day actually and necessarily employed in the discharge of his duties, to be offset against his tax, and the excess, if any, to be paid by the township. He shall also provide, when practicable, suitable watering places on the line of roads under his charge, for the accommodation of cattle and foot passengers.

Watering places
on line of road

Vacancy in
office of over-
seer

“§ 20. If a vacancy occur in the office of overseer of roads in any district, the township board for the township in which such vacancy occurs, or the judge of the county court, in the cases provided for in the third section of this act, shall forthwith appoint an overseer of roads to fill such vacancy, who shall qualify and give bond as prescribed by this act, within thirty days after his appointment, and shall have all the powers and perform all the duties required of other overseers under this act.

Road tax for
residue of year
ending July 1,
1871

“§ 21. At the meeting of the township board to divide the township into road districts, it shall determine whether it will levy a road tax for the residue of the year, ending July the first, eighteen hundred and seventy-one, and if it so determine, shall levy the same and place it in the hands of the several road overseers of the township, to be by them collected in the manner provided for the collection of road tax in this act.

“To establish new road or landing.

New road or
landing

“§ 22. The county court may direct one or more commissioners of roads to examine such of the existing roads in the county, or such routes for new roads therein as it may designate, and report upon the expediency of altering the location or grade of any existing road, or of establishing any new road, or of building or repairing any bridge, or may direct him or them to lay off any road at such grade as it may prescribe.

Width of road

“§ 23. Every road shall be thirty feet wide, unless the county court order it to be less.

"The county court may order a road adjoining a town or village to be made therefrom wider, for a distance not exceeding eight hundred and fifty yards. In such case the width shall not exceed sixty feet.

Road adjoining town, &c.

"§ 24. When any person applies to a county court to have a road or landing therein established or altered, the court shall, and whenever, without such application, it sees cause for so doing, the court may direct one or more commissioners of roads, or appoint three or more viewers to view the ground, and report to the court the conveniences and inconveniences that will result as well to individuals as to the public, if such road or landing shall be as proposed, and especially whether any yard, garden, orchard, or any part thereof, will in such case have to be taken.

Application for road or landing; how made

"§ 25. The commissioner acting under the twenty-second or twenty-fourth section of this act, shall particularly report the facts and circumstances, in his opinion, useful in enabling the court to determine the expediency of establishing or altering the road or landing. He may examine other routes than that proposed for any road, and report in favor of the one he prefers, with his reasons for the preference. He shall report the names of the land owners on such route, and state which of them require compensation, the probable amount thereof, and any other matter which he may deem pertinent. A map or diagram of such route shall be returned with his report. If the commissioner be not a surveyor, he shall procure one if necessary.

Report of commissioner

Map or diagram of route

"§ 26. Upon the report, unless the opinion of the court be against establishing or altering the road or landing, it shall award process to summon the proprietors and tenants of the lands on which it will be if established, to show cause against the same. The summons shall be executed on such of them as are in the county, and on any agent therein of any proprietor not within the same.

Summons to proprietors and tenants

"§ 27. Upon the return of the said process so executed, if the court has enough before it to enable it to fix upon a just compensation to the proprietors and tenants, and they are willing to accept what it deems just, it may determine the matter without a writ of ad quod damnum.

When court may fix compensation

"§ 28. But the writ shall be awarded, if desired by any proprietor or tenant, or if the court see cause for awarding the same. Such writ shall command the sheriff to summon and impanel a jury of twelve qualified jurors of the vicinage, not related to either party, to meet on the lands of such proprietors or tenants as may be named in the order and writ, at a certain place and day therein also specified, of which, notice shall be given by the sheriff to such proprietors and tenants. Such notice shall be served like the previous process, except only that it need not be given to one present at the time of making the order.

Writ of ad quod damnum

"§ 29. The jury, after being duly sworn by the sheriff, shall view the lands of the proprietors and tenants so named, and ascertain what will be a just compensation to each proprietor and tenant so named for the land of his proposed to be taken,

and for the damage to the residue of his tract beyond the peculiar benefit which will be derived in respect to such residue from the road or landing.

Where jury cannot agree, &c.

" § 30. If the jurors shall not be sworn on the day specified, or if they cannot agree upon their inquest (in which case they may be discharged), the sheriff shall execute the writ on such other day as he may, from time to time, appoint, notice thereof being given to the parties interested. If the inquest cannot be completed in one day, the sheriff shall adjourn the jury from day to day until its completion; when completed, it shall be signed by the jurors and returned by the sheriff, together with the writ.

Duty of court thereupon

" § 31. After the return thereof, the court shall, upon the report, inquest, and other evidence, if any, determine whether the road or landing shall be established or altered as proposed, and if the court determine to establish or alter such road or landing, it shall direct the township in which such road or landing is to alter or establish the same, and to pay to the proprietors and tenants of land the compensation allowed, but the cost of such application shall be paid by the county, which costs shall include the costs of the inquest, except where it is required to be paid by the proprietor or tenants of land under this act, and if the road so established be of benefit to more than one township, shall determine the proportion of such burden and expense to be borne by each township, and shall in every case designate the commissioner of roads in the township in which such road or landing is, to establish or alter the same, and if two townships are interested in such road or landing, shall designate which commissioner shall establish or alter the same: provided, that no more than one acre of land shall be condemned for any landing, and no road or landing shall be established upon or through any lot in an incorporated town without the consent of the proprietor thereof.

Proviso

Compensation of commissioner and surveyor

" § 32. A statement in writing of the number of days each commissioner and every surveyor was employed in executing any such order, shall be sworn to and presented to the court, and the court may allow to each a reasonable compensation, not exceeding two dollars per day for each commissioner, and two dollars and fifty cents per day for the surveyor.

Costs; how awarded

" § 33. Where the record shows that the sum allowed by a jury as compensation to any proprietor or tenant is not more than the court, before awarding the writ of *ad quod damnum*, had consented to allow him, such proprietor or tenant shall be adjudged to pay the costs occasioned by such writ.

When court decides against application

" § 34. When the court decides against the application of an individual to establish or alter a road or landing, he shall pay the costs incurred in the case, except such costs as may be payable by any proprietor or tenant under the thirty-third section, and the court may enforce payment thereof.

When road is altered County road or landing; how discontinued

" § 35. When any road is altered, it shall be discontinued to the extent of such alteration, and no farther. Any person may apply to have a county road or landing discontinued after publishing notice of the intended application, on the first day of a term of the county court, at the door of the courthouse

of the county, and at two public places in the neighborhood. The county court, at the next term after that at which such notice shall have been so published, shall appoint three or more viewers, or direct one or more commissioners of roads to view such road or landing, and report in writing whether, in their or his opinion, any, and if any, what inconvenience would result from discontinuing the same. Upon the said report and other evidence, if any, the court may discontinue such road or landing, taking care, in every case of an established post road, not to discontinue the same until another has been substituted.

“ § 36. When a road or landing is established or altered by the court, the township or townships chargeable with altering or establishing the same, shall, at the next annual meeting in July, make a township levy sufficient to pay to the proprietors and tenants of lands the compensation allowed them by the court, to be collected as other township levies are collected, and shall also levy a tax upon such road district or districts in the township as are interested in the establishment of such road or landing, to be denominated the extra or special road tax, and the clerk of such township shall place the same in the hands of the commissioner of roads designated by the court to alter or establish such road or landing, who shall receipt for the same and collect it either in labor, material, the use of teams and implements furnished for the purpose, or in money, to be expended therefor, in the same manner provided for the collection of road tax by overseers of roads, and with such labor, materials, teams, implements, and money, shall alter or establish such road or landing, allowing the same credits for labor, teams, and implements, as that allowed by the township board, and make report thereof to the township board, and he shall have all the rights and powers for the collection of said tax allowed by this act to overseers of roads for the collection of road tax. The overseers of roads in the district or districts upon which such tax is levied, shall have the right to assist the commissioner, and for their services shall receive the pay allowed them for work upon their own roads, to be credited upon their extra or special tax, and the excess, if any, to be paid by his township.

Compensation for alteration or establishment; how fixed, &c.

“ § 37. Every commissioner acting under the preceding section, shall, within sixty days after he shall have finished such road or landing, settle with the township clerk, and pay over to him any balance in his hands, which shall be placed to the credit of the general road fund for the township, and shall have credit in such settlement for any constable's receipt for taxes which he may turn over to said clerk, and for any taxes certified by one of the justices or the supervisor to be insolvent, upon his affidavit that he has not collected them.

How balance paid over

“ § 38. If any township fail to do any of the things required by this act, upon the application of any person interested, the county court shall, by mandamus, compel such township to do such act.

When township fails to do anything required by this act

“ § 39. The road commissioner shall receive for his services in altering or establishing a road or landing, two dollars per

Compensation of road commissioner

day for each day he is necessarily employed at such labor, to be paid by the township.

"Erection or discontinuance of gates across roads.

Erection or discontinuance of gates across roads

"§ 40. Application may be made to the court of a county to permit gates to be erected across any road therein, and a notice of such application shall be forthwith posted at the door of the courthouse, and at two public places near where the gates are proposed to be erected. If it appear, at the next term, that the notice has been duly posted, the court may, upon evidence, if any, permit such erection. But gates erected shall be discontinued whenever the court shall so direct.

Owner of gate; how summoned

"§ 41. If it be suggested by any citizen of this state to a county court of the county in which such gate may be, that injury or inconvenience results therefrom, the court shall cause the owner of such gate to be summoned to appear at the next term and show why the same should not be discontinued, and, upon the return of such process executed, shall determine whether there ought to be such discontinuance or not. If the court adjudge that the gate shall be removed, the overseer of the road district, or if there be none, the commissioner of roads shall abate such gate, at such time as the court may order.

When vote of township may not be taken

"§ 42. The townships shall not be compelled to submit to a vote of the township the annual road tax levied to keep the roads in repair, or the special tax levied to establish or alter a road, bridge, or landing, where it has been ordered by the court, although the same involve the expenditure of a sum of money exceeding three hundred dollars.

How material for road may be taken

"§ 43. The overseer of any road may take from any convenient lands so much wood, stone, gravel, or earth, as may be necessary to be used in constructing or repairing such road, or any bridge or causeway therein; and may, for the purpose of draining the road, cause a ditch to be cut through any lands adjoining the same: provided, such wood and other articles be not taken from, and such ditch be not cut through, any lot in a town without the consent of the owner.

How compensation therefor may be ascertained, &c.

"§ 44. If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to three freeholders, requiring them to view the said lands and ascertain what is a just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation, and report the same to the township board, and an allowance shall be made therefor in the next township levy.

Commissioner's annual report

"§ 45. Every commissioner of roads shall, annually, at the June meeting of the township board, make a report to the said board, which shall set forth the number of days' labor performed during the past year in each road district in his township by the overseer of roads for such district, and the hands under him, the amount of money expended during the same year upon the roads, bridges, and causeways; the condition of

the roads in the various road districts in his township; the manner in which the several overseers of roads in his township have discharged their duties, and the course he deems it most advisable should be pursued in relation to the roads in his township during the ensuing year. It should also specify such improvements as he thinks ought to be made in the said roads, bridges, and causeways, and the order in which the work had best be done, the probable cost of such improvement, and the labor or money that would probably suffice in each road district to keep in good order the roads as established, without such improvements.

"Duties of the owner of a dam across which a road passes.

"§ 46. The owner or occupier of every dam shall, so far as a road passes over the same, keep such dam in good order, at least twelve feet wide at the top, and also keep in good order a bridge of like width over the pier head, flood gates, or any waste cut through or around the dam; and shall erect and keep in good order a strong railing on both sides of such bridge or dam, unless such railing be dispensed with by the county court. If he fail to comply with this section, he shall pay a fine, for every twenty-four hours' failure, of two dollars. But the fine shall not in any one prosecution exceed fifty dollars, and where a mill dam is carried away or destroyed, the owner or occupier thereof shall not be thenceforth subject to such fine until one month after the mill shall have been put into operation.

"Building bridges by the county.

"§ 47. Whenever a bridge or causeway is necessary for the convenience and use of citizens of the county generally, the county court may order that it shall be made or repaired at the expense of the county, and to this end may direct one or more of the commissioners of roads in the county to receive proposals for a contract for building or repairing the same.

"§ 48. The court of one county may notify the court of another that a road is necessary from the line of the former to a place in the latter, or that a bridge or causeway is necessary over a place between the two counties. If the court to which such notification is sent concur in this opinion, it shall, in the former case, proceed in like manner as when a person applies to have a road established; and in the latter, it shall appoint three commissioners to meet at such place between the two counties on a certain day, and agree with commissioners of the other court as to the manner and conditions of doing the work. Upon this order being communicated to the former court, it shall make a similar appointment. The persons so appointed shall, after such conference, report the result thereof to the courts by which they are respectively appointed. Upon such report being made, each of the courts shall direct the same or any other commissioners, not exceeding three for each court, to unite with commissioners of the other court in receiving

proposals for doing the work in such manner and on such conditions as may have been agreed on by the commissioners, or in any other manner or upon any other conditions that may be concurred in by the two courts.

Where court
fails to appoint
viewers

"§ 49. If the court to which such notification is sent shall fail to appoint viewers or commissioners, or if either court shall fail in any respect to do on its part what should be done towards the work, the remedy by mandamus shall lie before the circuit court of the county whose court is complained of, on behalf of the court of the other county. And the circuit court shall compel the court complained of to do what ought to be done in the matter.

Proposals for
bridges or cause-
ways

"§ 50. At any time when any county court or county courts have directed or appointed commissioners to receive proposals for building or repairing a bridge or causeway, such court or courts may, in their discretion, authorize the commissioners to determine whether any, and if any, which of the proposals shall be accepted, and to reduce to writing a contract between the county or counties and any person whose proposals they may accept, and to take bond from the contractor, with sufficient sureties, in a penalty at least double the amount which he is to receive under the contract, payable to the county or counties, with condition for the faithful performance of the contract. Such bond and contract, after being signed by said contractor, shall be returned by the commissioners to the said county court or county courts, and if approved and ratified, the fact shall be entered of record, and the contract and bond shall, from the time of such approval and ratification by said court or courts, be binding upon the county or counties and such contractor, and the said contract and bond shall remain filed in the clerk's office.

When road to
be kept in repair
by county

"§ 51. Whenever, upon the application of the commissioner of roads of any township, it shall appear to the county court that any public road or roads lying within such township should be worked and kept in repair, in whole or part, at the county expense, the court shall authorize one of the commissioners of roads in the county to let such road or roads to contract, in whole or any part as to it may seem right in each case, and for such time as the court may prescribe; and such contract shall in all respects conform to the requirements of the preceding section.

Notice of propo-
sals for work,
&c.

"§ 52. The commissioners to receive proposals for any work, shall publish notice in a newspaper for four weeks, or at the front door of the courthouse on a court day, that proposals for such work will be received in writing on the first day of the next court, or on such subsequent day as may be mentioned in the notice. The notice shall describe the work to be done, and require such specifications to be made in the proposals as the commissioners may determine on.

Proposals to be
returned to
court

"§ 53. The proposals which may be received shall all be returned to the court or courts, as the case may be, which shall determine whether any, and if any, which of said proposals shall be accepted, and if the proposals of any person be accepted, shall direct the commissioners, or one of them, to re-

duce to writing a contract between the county or counties and such person.

"§ 54. The commissioners shall report to the court every such contract, signed by the person with whom it is made. And after an order shall be made by the court or courts ratifying such contract, the same shall be binding upon the contractor and the county or counties, so soon as the contractor gives bond, with sufficient sureties, to be approved by the court, and in a penalty at least double the amount which he is to receive under the contract, payable to the county or counties, with condition for the faithful performance of such contract. Such bond shall be taken by the commissioners and returned to the court. If approved by the court, the fact shall be entered on the record, and the bond and contract shall remain filed in the clerk's office. The court may direct one or more of the commissioners of roads, or appoint some other person or persons to superintend the work contracted for, and may make such allowance therefor as it may deem reasonable, which shall be chargeable on the county.

Contracts; how reported, ratified, &c.

"§ 55. The money which the contractor may be entitled to receive under any such contract, shall be so levied for as to be paid at the times at which, by the contract, the same is to be paid. When the contract is with two counties, the levy therefor shall be by the supervisors of the two in proportion to the taxes in each, according to the last assessment next before such contract.

Money which contractor is to receive; how levied

"How the county court directs bridges to be built by townships.

"§ 56. When a bridge or causeway is necessary in any township, and it is impracticable for the township to have it built or repaired, or if more than one township be interested in such bridge or causeway, application may be made to the county court, and upon such application, the same proceedings shall be had as in case of establishing a new road or landing. Upon the report of the commissioner, or commissioners, or reviewers, the court may direct such township or townships as may be interested in such bridge or causeway, to build or repair the same; and if more than one township be interested, shall direct in what proportion the expense shall be borne between them, and the court shall order a contract to be made for and on behalf of such township or townships in the manner prescribed in this act for contracting for bridges built by the county; and when the bond and contract shall have been ratified and approved, they shall be entered of record and filed in the clerk's office of the county court, and shall be binding upon the township or townships and the contractor; a copy of which said contract shall be furnished the township board by the clerk, with an endorsement thereon showing when the same was admitted to record.

How county court directs bridges to be built by townships

"§ 57. The township board of any such township shall, at its next annual meeting in July, make a levy to meet the liability of the township upon such contract; but no contractor shall be entitled to collect any money upon any contract made un-

Levy to meet such liability Contractor not to receive money till work is accepted

der the preceding section until his work shall have been received by the county court, unless otherwise provided by the terms of the contract.

"How a township may build bridges.

How township
may build
bridges

"§ 58. Whenever a bridge or causeway is necessary in any township, and it is impracticable for the overseer of the district to make or repair it out of his ordinary road tax, the township board, after having proceeded in the same manner required of a county court in case of building or repairing a bridge by the county, may contract for building or repairing the same in the same manner that a county court may contract for the building or repairing of a county bridge, and the bond and contract shall, from the time the same is approved and filed in the township records, bind both the township and the contractor; but no township board shall, for the purpose of building a bridge or causeway under this section, ratify any contract which involves the payment, by the township, of a greater sum than three hundred dollars, without first submitting the same to a vote of the township. The township shall, at its next annual meeting in July, levy a tax to meet its liabilities upon such contract, which shall be collected as other township levies are collected, but shall not be paid to the contractor until his work shall have been received by the township board, unless the contract otherwise specify.

Township tax
for such con-
tract

"Bridge not to be used as a wharf.

Bridge not to be
used as wharf

"§ 59. No person shall use any county bridge as a wharf from which to load or unload any vessel or boat, nor as a place of deposit for any property; nor shall the master or owner of any vessel make fast the same to, or lay the same alongside, such bridge. Any person violating this section, shall pay a fine of not less than five nor more than twenty dollars, which fine shall be to the county in which the offence was committed.

"How wharf, pier, or bulkhead, may be erected.

How wharf,
pier, or bulk-
head, may be
erected

"§ 60. Any person owning land upon a water course may erect a wharf on the same, or a pier or bulkhead in such water course opposite its land, so that the navigation be not obstructed thereby, and so that such wharf, pier, or bulkhead, shall not otherwise injure the private rights of any person. But the court of the county in which such wharf, pier, or bulkhead, shall be, after causing ten days' notice to be given to the owner thereof of its intention to consider the subject, if it be satisfied that such wharf, pier, or bulkhead, obstructs the navigation of the water course, or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

Proceedings
where any per-
son desires to
erect wharf

"§ 61. Any person desiring the privileges of erecting a wharf at or on any county landing, may, after giving notice of his intention by advertising such notice at some public place near the landing, and also at the front door of the courthouse of

such county on the first day of a term of the court of said county, present to the court at its next term a petition for such privilege. The court may consider the same, and may, in its discretion, grant such privilege, and fix such rates and charges, upon such conditions and limitations, as it may see fit. But the court, at any subsequent term, may, if it think proper, revoke such privilege, or alter such conditions or limitations, or regulate the rates and charges. This section shall not be construed to authorize a county court to grant the privilege of erecting a wharf within a town which has a corporation court.

"Exception as to particular counties and as to certain roads in towns.

"§ 62. Nothing contained in this act shall be construed to take from the jurisdiction or charge of the trustees, court, or other authority of any town, so much of any road as by the laws now in force is under such jurisdiction or charge, or to repeal or alter an act passed February twenty-eight, eighteen hundred and fifty-six, for working the roads of Loudoun county, or any act amendatory thereof.

Exceptions as to roads now under jurisdiction of any town, or of the county of Loudoun

"Subterranean right of way through mountains.

"§ 63. Any person owning land in rear of a mountain or hill, which contains coal or any other mineral, desiring a subterranean right of way through such mountain or hill to convey coal or any other mineral to market, may apply to the court of the county or corporation in which such mountain or hill may lie, for a writ in the nature of a writ of ad quod damnum; of which application, notice shall be given to the proprietors of such mountain or hill through which the subterranean right of way is to be, in the manner prescribed by the second section of chapter sixty-three of Code of Virginia of eighteen hundred and sixty. If the court, on hearing the matter, think it proper, it shall issue the writ accordingly, directed to the sheriff of the same county, who shall execute it in the same manner, and like proceedings shall be had thereupon as are prescribed in the third, fourth, fifth, and sixth sections of said chapter sixty-three, so far as the same are applicable. If the leave prayed for be granted, the applicant shall, before he proceed therein, pay, or secure to the satisfaction of the parties entitled thereto, the compensation ascertained by the jury and all the cost of the inquest, and shall make and keep open such subterranean way as he is allowed to make at his own expense.

Subterranean right of way through mountains

"§ 64. Chapter fifty-two of the Code of Virginia, eighteen hundred and sixty, and all acts amendatory thereof, are hereby repealed, to take effect on the first day of December, eighteen hundred and seventy.

Code of Va., chap. 52, and acts amendatory thereof, repealed

"§ 65. This act shall go into effect on the first day of December, eighteen hundred and seventy.

Commencement

CONSTITUTION OF VIRGINIA.

Whereas, the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six, reciting and declaring that whereas George the Third, King of Great Britain and Ireland and Elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefit of the trial by jury, for transporting us beyond the seas for trial for pretended offences, for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrection of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative, he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation, and tyranny, then already begun, with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government and declaring us out of his allegiance and protection; by which several acts of misrule the government of this country, as before exercised under the crown of Great Britain, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced unless some regular, adequate mode of civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia:

And whereas, a convention held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of this commonwealth an amended constitution or form of government, which was ratified by them:

And whereas, the general assembly of Virginia, by an act passed on the fourth of March, in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and propose a new constitution, or alterations and amendments to the existing constitution of this commonwealth; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection; and the same having been submitted accordingly, was ratified by them:

And whereas, the general assembly of Virginia, by an act passed on the twenty-first

day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention to consider, discuss, and adopt alterations and amendments to the existing constitution of this commonwealth, the delegates so assembled did, therefore, having maturely considered the premises, adopt a revised and amended constitution as the form of government of Virginia:

And whereas, the congress of the United States did, by an act passed on the second day of March, in the year one thousand eight hundred and sixty-seven, and entitled an act to provide for the more efficient government of the rebel states, and by acts supplementary thereto, passed on the twenty-third day of March and the nineteenth day of July, in the year one thousand eight hundred and sixty-seven, provide for the election, by the people of Virginia, qualified to vote under the provisions of said acts, of delegates to meet in convention, to frame a constitution or form of government for Virginia in conformity with said acts, and by the same acts did further provide for the submitting of such constitution to the qualified voters for ratification or rejection:

We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said acts, invoking the favor and guidance of Almighty God, do propose to the people the following constitution and form of government for this commonwealth:

ARTICLE I.

BILL OF RIGHTS.

A declaration of rights, made by the representatives of the good people of Virginia, assembled in full and free convention, which rights do pertain to them and their posterity, as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That this state shall ever remain a member of the United States of America, and that the people thereof are part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said nation, are unauthorized and ought to be resisted with the whole power of the state.

3. That the constitution of the United States, and the laws of congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances, or laws of any state to the contrary notwithstanding.

4. That all power is vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

5. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to the purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

6. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

7. That the legislative, executive, and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the laws shall direct.

8. That all elections ought to be free, and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

9. That all power of suspending laws, or the execution of laws by any authority, with-

out consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

10. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusations, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

11. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

12. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

13. That in controversies respecting property, and in suits between man and man, the trial by jury is preferable to any other, and ought to be held sacred.

14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

15. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to and governed by the civil power.

16. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia, ought to be erected or established within the limits thereof.

17. That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance and virtue, and by a frequent recurrence to fundamental principles.

18. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that it is the mutual duty of all to practice christian forbearance, love, and charity towards each other.

19. That neither slavery nor involuntary servitude, except as lawful imprisonment may constitute such, shall exist within this state.

20. That all citizens of the state are hereby declared to possess equal civil and political rights and public privileges.

21. The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

The declaration of the political rights and privileges of the inhabitants of this state is hereby declared to be a part of the constitution of this commonwealth, and shall not be violated on any pretence whatever.

ARTICLE II.

DIVISION OF POWERS.

The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time, except as hereinafter provided.

ARTICLE III.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

SEC. 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of this state twelve months, and of the county, city or town in which he shall offer to vote, three months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: provided, that no officer, soldier, seaman or marine of the United States army or navy shall be considered a resident of this state by reason of being stationed therein: and provided also, that the following persons shall be excluded from voting:

1st. Idiots and lunatics.

2d. Persons convicted of bribery in any election, embezzlement of public funds, treason or felony.

3d. No person who, while a citizen of this state, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit or trust, under this constitution.

SEC. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution.

SEC. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

SEC. 4. The general assembly shall, at its first session under this constitution, enact a general registration law; and every person offering or applying to register shall take and subscribe, before the officer charged with making a registration of voters, the following oath:

"I, ———, do solemnly swear (or affirm) that I am not disqualified from exercising the right of suffrage by the constitution framed by the convention which assembled in the city of Richmond on the third day of December, 1867, and that I will support and defend the same to the best of my ability."

SEC. 5. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon public roads, or to attend any court as suitor, juror or witness; and no voter shall be subject to arrest, under any civil process, during his attendance at elections, or in going to or returning from them.

OATH OF OFFICE.

SEC. 6. All persons, before entering upon the discharge of any function as officers of this state, must take and subscribe the following oath or affirmation:

"I, ———, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the state of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of ——— to the best of my ability. So help me God."

ARTICLE IV.

EXECUTIVE DEPARTMENT.

GOVERNOR.

SEC. 1. The chief executive power of this commonwealth shall be vested in a governor. He shall hold office for a term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

SEC. 2. The governor shall be elected by the voters at the times and places of choosing members of the general assembly. Returns of elections shall be transmitted, under seal, by the proper officers, to the secretary of the commonwealth, who shall deliver them to the speaker of the house of delegates, on the first day of the next session of the general assembly. The speaker of the house of delegates shall, within one week thereafter, in presence of a majority of the senate and house of delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen governor by the joint vote of the two houses of the general assembly. Contested elections for governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 3. No person, except a citizen of the United States, shall be eligible to the office of governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of this state for three years next preceding his election.

SEC. 4. The governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

SEC. 5. He shall take care that the laws be faithfully executed; communicate to the general assembly, at every session, the condition of the commonwealth; recommend to their consideration such measures as he may deem expedient, and convene the general assembly, on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the state; have power to embody the militia, to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such other manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the general assembly, to fill *pro tempore* all vacancies in those offices for which the constitution and laws make no provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the general assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the house of delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this constitution, and to commute capital punishment; but he shall communicate to the general assembly, at each session, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

SEC. 6. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices; and may also require the opinion, in writing, of the attorney-general upon any question of law connected with his official duties.

SEC. 7. Commissions and grants shall run in the name of the commonwealth of Virginia, and be attested by the governor, with the seal of the commonwealth annexed.

SEC. 8. Every bill which shall have passed the senate and house of delegates, and every resolution requiring the assent of both branches of the general assembly, shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of the members present shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the governor. But in all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill or joint resolution, shall be entered on the Journal of each house respectively. If any bill or resolution shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

LIEUTENANT-GOVERNOR.

SEC. 9. A lieutenant-governor shall be elected at the same time and for the same term as the governor, and his qualification and the manner of his election, in all respects, shall be the same.

SEC. 10. In case of the removal of the governor from office, or of his death, failure to qualify, resignation, removal from the state, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant-governor; and the general assembly shall provide by law for the discharge of the executive functions in other necessary cases.

SEC. 11. The lieutenant-governor shall be president of the senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the speaker of the house of delegates.

SECRETARY OF THE COMMONWEALTH, TREASURER, AND AUDITOR.

SEC. 12. A secretary of the commonwealth, treasurer, and auditor of public accounts, shall be elected by the joint vote of the two houses of the general assembly, and continue in office for the term of two years, unless sooner relieved. The salary of each shall be determined by law.

SEC. 13. The secretary shall keep a record of the official acts of the governor, which shall be signed by the governor and attested by the secretary; and when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before

either house of the general assembly; and shall perform such other duties as may be prescribed by law. All fees received by the secretary shall be paid into the treasury.

SEC. 14. The powers and duties of the treasurer and auditor shall be such as now are or may hereafter be prescribed by law.

SEC. 15. There may be established in the office of the secretary of state, a bureau of statistics and a bureau of agricultural chemistry and geology under such regulations as may be prescribed by law.

SEC. 16. The general assembly shall have power to establish a bureau of agriculture and immigration, under such regulations as may be prescribed.

BOARD OF PUBLIC WORKS.

SEC. 17. There shall be a board of public works, to consist of the governor, auditor and treasurer of the commonwealth, under such regulations as may be prescribed by law.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of delegates.

SEC. 2. The house of delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall be distributed and apportioned as follows:

- District No. 1. Accomack shall have two delegates.
 2. Albemarle shall have three delegates.
 3. Amelia shall have one delegate.
 4. Alexandria shall have two delegates.
 5. Amherst shall have two delegates.
 6. Appomattox shall have one delegate.
 7. Alleghany and Craig shall have one delegate.
 8. Augusta shall have three delegates.
 9. Bath and Highland shall have one delegate.
 10. Bedford shall have three delegates.
 11. Bland shall have one delegate.
 12. Botetourt shall have one delegate.
 13. Brunswick shall have one delegate.
 14. Buckingham shall have two delegates.
 15. Buchanan and Wise shall have one delegate.
 16. Campbell shall have three delegates.
 17. Caroline shall have two delegates.
 18. Carroll shall have one delegate.
 19. Charles City shall have one delegate.
 20. Charlotte shall have two delegates.
 21. Chesterfield and Powhatan shall have three delegates.
 22. Cumberland shall have one delegate.
 23. Culpeper shall have one delegate.
 24. Clarke shall have one delegate.
 25. Dinwiddie shall have one delegate.
 26. Elizabeth City and Warwick shall have two delegates.
 27. Essex shall have one delegate.
 28. Fauquier shall have two delegates.
 29. Fairfax shall have one delegate.
 30. Floyd shall have one delegate.
 31. Franklin shall have two delegates.
 32. Fluvanna shall have one delegate.
 33. Frederick shall have one delegate.
 34. Giles shall have one delegate.
 35. Goochland shall have one delegate.
 36. Greenville shall have one delegate.
 37. Greene shall have one delegate.
 38. Gloucester shall have one delegate.
 39. Grayson shall have one delegate.
 40. Halifax shall have three delegates.

- District No. 41. Hanover shall have two delegates.
 42. Henrico and Richmond city shall have eight delegates.
 43. Henry shall have one delegate.
 44. Isle of Wight shall have one delegate.
 45. James City and city of Williamsburg shall have one delegate.
 46. King & Queen shall have one delegate.
 47. King William shall have one delegate.
 48. King George shall have one delegate.
 49. Lancaster shall have one delegate.
 50. Lee shall have one delegate.
 51. Louisa shall have two delegates.
 52. Lunenburg shall have one delegate.
 53. Loudoun shall have two delegates.
 54. Mathews shall have one delegate.
 55. Madison shall have one delegate.
 56. Mecklenburg shall have two delegates.
 57. Middlesex shall have one delegate.
 58. Montgomery shall have one delegate.
 59. Nansemond shall have one delegate.
 60. New Kent shall have one delegate.
 61. Norfolk county and the city of Portsmouth shall have three delegates.
 62. Norfolk city shall have two delegates.
 63. Nelson shall have one delegate.
 64. Nottoway shall have one delegate.
 65. Northampton shall have one delegate.
 66. Northumberland shall have one delegate.
 67. Orange shall have one delegate.
 68. Patrick shall have one delegate.
 69. Page shall have one delegate.
 70. Pittsylvania shall have four delegates.
 71. Petersburg city shall have two delegates.
 72. Prince Edward shall have one delegate.
 73. Prince George shall have one delegate.
 74. Prince William shall have one delegate.
 75. Pulaski shall have one delegate.
 76. Princess Anne shall have one delegate.
 77. Rappahannock shall have one delegate.
 78. Richmond county shall have one delegate.
 79. Rockingham shall have two delegates.
 80. Rockbridge shall have two delegates.
 81. Roanoke shall have one delegate.
 82. Russell shall have one delegate.
 83. Shenandoah shall have one delegate.
 84. Smyth shall have one delegate.
 85. Southampton shall have one delegate.
 86. Scott shall have one delegate.
 87. Surry shall have one delegate.
 88. Stafford shall have one delegate.
 89. Sussex shall have one delegate.
 90. Spotsylvania shall have one delegate.
 91. Tazewell shall have one delegate.
 92. Washington shall have two delegates.
 93. Warren shall have one delegate.
 94. Westmoreland shall have one delegate.
 95. Wythe shall have one delegate.
 96. York shall have one delegate.

SEC. 3. The senators shall be elected for the term of four years, for the election of whom the counties, cities, and towns shall be divided into not more than forty districts. Each county, city, and town of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one or more senators. The senators first elected under this constitution in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of senators for the full term.

The following shall constitute the senatorial districts :

Alexandria, Fairfax, and Loudoun shall form the first district, and be entitled to two senators.

Fauquier, Rappahannock, and Prince William shall form the second district, and be entitled to one senator.

Orange, Culpeper, and Madison shall form the third district, and be entitled to one senator.

Stafford, Spotsylvania, and Louisa shall form the fourth district, and be entitled to one senator.

Fluvanna, Goochland, and Powhatan shall form the fifth district, and be entitled to one senator.

Albemarle, and Greene shall form the sixth district, and be entitled to one senator.

Buckingham, and Appomattox shall form the seventh district, and be entitled to one senator.

Nelson, and Amherst shall form the eighth district, and be entitled to one senator.

Franklin, and Henry shall form the ninth district, and be entitled to one senator.

Pittsylvania shall form the tenth district, and be entitled to one senator.

Campbell shall form the eleventh district, and be entitled to one senator.

Bedford shall form the twelfth district, and be entitled to one senator.

Halifax shall form the thirteenth district, and be entitled to one senator.

Charlotte, and Prince Edward shall form the fourteenth district, and be entitled to one senator.

Mecklenburg shall form the fifteenth district, and be entitled to one senator.

King George, Westmoreland, Richmond, Northumberland, and Lancaster shall form the sixteenth district, and be entitled to one senator.

Caroline, Essex, and King William shall form the seventeenth district, and be entitled to one senator.

Gloucester, Middlesex, Mathews, and King and Queen shall form the eighteenth district, and be entitled to one senator.

Richmond city, and Henrico shall form the nineteenth district, and be entitled to three senators.

Norfolk city, and Princess Anne county shall form the twentieth district, and be entitled to one senator.

Norfolk county, and the city of Portsmouth shall form the twenty-first district, and be entitled to one senator.

Nansemond, Southampton, and Isle of Wight shall form the twenty-second district, and be entitled to one senator.

Greensville, Dinwiddie, and Sussex shall form the twenty-third district, and be entitled to one senator.

Burry, York, Warwick, and Elizabeth City shall form the twenty-fourth district, and be entitled to one senator.

Brunswick, and Lunenburg shall form the twenty-fifth district, and be entitled to one senator.

Chesterfield, and Prince George shall form the twenty-sixth district, and be entitled to one senator.

The city of Petersburg shall form the twenty-seventh district, and be entitled to one senator.

Accomack, and Northampton shall form the twenty-eighth district, and be entitled to one senator.

Hanover, New Kent, Charles City, and James City shall form the twenty-ninth district, and be entitled to one senator.

Cumberland, Amelia, and Nottoway shall form the thirtieth district, and be entitled to one senator.

Frederick, Clarke, and Shenandoah shall form the thirty-first district, and be entitled to one senator.

Page, Warren, and Rockingham shall form the thirty-second district, and be entitled to one senator.

Highland, and Augusta shall form the thirty-third district, and be entitled to one senator.

Rockbridge, Bath, and Alleghany shall form the thirty-fourth district, and be entitled to one senator.

Botetourt, Roanoke, Craig, and Giles shall form the thirty-fifth district, and be entitled to one senator.

Montgomery, Floyd, and Patrick shall form the thirty-sixth district, and be entitled to one senator.

Grayson, Carroll, and Wythe shall form the thirty-seventh district, and be entitled to one senator.

Pulaski, Bland, Tazewell, and Russell shall form the thirty-eighth district, and be entitled to one senator.

Lee, Scott, Wise, and Buchanan shall form the thirty-ninth district, and be entitled to one senator.

Washington, and Smyth shall form the fortieth district, and be entitled to one senator.

SEC. 4. At the first session of the general assembly after the enumeration of the inhabitants of the state by the United States, a re-apportionment of senators and members of the house of delegates, and every tenth year thereafter, shall be made.

QUALIFICATIONS OF SENATORS AND DELEGATES.

SEC. 5. Any person may be elected senator who, at the time of election, is actually a resident within the district, and qualified to vote for members of the general assembly according to this constitution; and any person may be elected a member of the house of delegates who, at the time of election, is actually a resident within the county, city, town, or election district, qualified to vote for members of the general assembly according to this constitution. The removal of any person elected to either branch of the general assembly from the city, county, town, or district for which he was elected, shall vacate his office.

POWERS AND DUTIES OF THE GENERAL ASSEMBLY.

SEC. 6. The general assembly shall meet annually, and not oftener, unless convened by the governor in the manner prescribed in this constitution. No session of the general assembly, after the first under this constitution, shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each house; in which case the session may be extended for a further period, not exceeding thirty days. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each house may prescribe.

SEC. 7. The house of delegates shall choose its own speaker, and in the absence of the lieutenant-governor, or when he shall exercise the office of governor, the senate shall choose, from their own body, a president *pro tempore*; and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; but if vacancies shall occur during the recess of the general assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification and returns of its members, may punish them for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

SEC. 8. The members of the general assembly shall receive for their services, a compensation, to be ascertained by law, and paid out of the public treasury, but no act increasing such compensation shall take effect until after the end of the term for which the members of the house of delegates voting thereon were elected; and no senator or delegate, during the term for which he shall have been elected, shall be appointed to any civil office of profit under the commonwealth, which has been created, or the emoluments of which have been increased during such term, except offices filled by election by the people.

SEC. 9. Bills and resolutions may originate in either of the two houses of the general assembly, to be approved or rejected by either, and may be amended by either house, with the consent of the other.

SEC. 10. Each house of the general assembly shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two-thirds of the members in that house shall otherwise determine.

SEC. 11. The members of the general assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house, they shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the session of the general assembly, nor for fifteen days next before the convening, and after the termination of each session.

SEC. 12. The whole number of members to which the state may at any time be entitled in the house of representatives of the United States, shall be apportioned, as nearly as may be, amongst the several counties, cities and towns of the state, according to their population.

SEC. 13. In the apportionment the state shall be divided into districts, corresponding in number with the representatives to which it may be entitled in the house of representatives of the congress of the United States, which shall be formed, respectively, of contiguous counties, cities and towns, be compact, and include, as nearly as may be, an equal number of population.

SEC. 14. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of invasion or rebellion, the public safety may require it. The general assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law, whereby private property shall be taken for public uses without just compensation, or any law abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall any man be enforced, restrained, molested or burdened in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in nowise affect, diminish, or enlarge their civil capacities. And the general assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry, but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 15. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

SEC. 16. The governor, lieutenant-governor, judges and all others offending against the state, by mal-administration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the house of delegates, and be prosecuted before the senate, which shall have the sole power to try impeachment. When sitting for that purpose, they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in case of impeachment, shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under the commonwealth; but the party convicted shall, nevertheless, be subject to indictment, trial, judgement and punishment according to law. The senate may sit during the recess of the general assembly for the trial of impeachment.

SEC. 17. The general assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 18. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

SEC. 19. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county having a population less than ten thousand, be deprived of more than one-fifth of such population; nor shall a county, having a larger population, be reduced below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the general assembly. In all general elections the voters in any county, not entitled to separate representation, shall vote in the same election district.

SEC. 20. The general assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

SEC. 21. The general assembly shall provide for the annual registration of births, marriages, and deaths.

SEC. 22. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this constitution, shall be prescribed by law; and the general assembly may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this constitution.

ARTICLE VI.

JUDICIARY DEPARTMENT.

Sec. 1. There shall be a supreme court of appeals, circuit courts, and county courts. The jurisdiction of these tribunals, and the judges thereof, except so far as the same is conferred by this constitution, shall be regulated by law.

COURT OF APPEALS.

Sec. 2. The supreme court of appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus*, and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of *habeas corpus*, *mandamus*, and prohibition, or the constitutionality of a law: provided, that the assent of a majority of the judges elected to the court shall be required in order to declare any law null and void by reason of its repugnance to the federal constitution, or to the constitution of this state.

Sec. 3. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals and of the circuit courts, or any of them, to try any cases on the docket of said court, in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; and also to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch.

Sec. 4. When a judgment or decree is reversed or affirmed by the supreme court of appeals, the reasons therefor shall be stated in writing and preserved with the records of the case.

Sec. 5. The judges shall be chosen by the joint vote of the two houses of the general assembly, and shall hold their office for a term of twelve years; they shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years.

Sec. 6. The officers of the supreme court of appeals shall be appointed by the said court, or by the judges thereof in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

Sec. 7. The supreme court of appeals shall hold its sessions at two or more places in the state, to be fixed by law.

Sec. 8. At every election of a governor, an attorney-general shall be elected by the qualified voters of this commonwealth. He shall be commissioned by the governor, perform such duties, and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

CIRCUIT COURTS.

Sec. 9. The state shall be divided into sixteen judicial circuits, as follows:

1. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, Surry, and the city of Norfolk, shall constitute the first circuit.
2. The counties of Sussex, Greensville, Brunswick, Prince George, Dinwiddie, Nottoway, Chesterfield, and the city of Petersburg, shall constitute the second circuit.
3. The counties of Mecklenburg, Lunenburg, Charlotte, Amelia, Powhatan, Prince Edward, Buckingham, and Cumberland, shall constitute the third circuit.
4. The counties of Halifax, Pittsylvania, Henry, Patrick, Franklin, and the town of Danville, shall constitute the fourth circuit.
5. The counties of Bedford, Campbell, Appomattox, Amherst, Nelson, and the city of Lynchburg, shall constitute the fifth circuit.
6. The counties of Albemarle, Fluvanna, Culpeper, Goochland, Madison, Greene, and Orange, shall constitute the sixth circuit.
7. The county of Henrico, and the city of Richmond, shall constitute the seventh circuit.
8. The counties of Accomack, Northampton, York, Elizabeth City, Warwick, James

City, New Kent, Charles City, and the city of Williamsburg, shall constitute the eighth circuit.

9. The counties of Lancaster, Northumberland, Mathews, Middlesex, Gloucester, King William, Essex, and King & Queen, shall constitute the ninth circuit.

10. The counties of Westmoreland, Spotsylvania, Caroline, Hanover, Stafford, King George, Richmond, and Louisa, shall constitute the tenth circuit.

11. The counties of Loudoun, Fauquier, Fairfax, Prince William, Rappahannock, and Alexandria, shall constitute the eleventh circuit.

12. The counties of Frederick, Clarke, Warren, Page, Shenandoah, and Rockingham, shall constitute the twelfth circuit.

13. The counties of Augusta, Rockbridge, Bath, Highland, and Alleghany, shall constitute the thirteenth circuit.

14. The counties of Botetourt, Roanoke, Montgomery, Floyd, Giles, and Craig, shall constitute the fourteenth circuit.

15. The counties of Carroll, Grayson, Wythe, Pulaski, Bland, and Tazewell, shall constitute the fifteenth circuit.

16. The counties of Smyth, Washington, Lee, Scott, Wise, Russell, and Buchanan, shall constitute the sixteenth circuit.

Sec. 10. The general assembly may re-arrange said circuits, or any of them, and increase or diminish the number thereof, when the public interests shall require it.

Sec. 11. For each circuit a judge shall be chosen by the joint vote of the two houses of the general assembly, who shall hold his office for a term of eight years, unless sooner removed in the manner prescribed by this constitution. He shall, when chosen, possess the same qualifications of judges of the supreme court of appeals, and during his continuance in office shall reside in the circuit of which he is judge.

Sec. 12. A circuit court shall be held, at least twice a year by the judges of each circuit, in every county and corporation thereof wherein a circuit court now is or may hereafter be established. But the judges may be required or authorized to hold the courts of their respective circuits alternately, and the judge of one circuit to hold court in any other circuit.

COUNTY COURTS.

Sec. 13. In each county of this commonwealth there shall be a court called the county court, which shall be held monthly by a judge learned in the law of the state, and to be known as the county court judge: provided, that counties containing less than eight thousand inhabitants shall be attached to adjoining counties for the formation of districts for county judges. County court judges shall be chosen in the same manner as judges of the circuit courts. They shall hold their office for a term of six years, except the first term under this constitution, which shall be three years, and during their continuance in office they shall reside in their respective counties or districts. The jurisdiction of said courts shall be the same as that of the existing county courts, except so far it is modified by this constitution or may be changed by law.

GOVERNMENT OF CITIES AND TOWNS.

Sec. 14. For each city or town in the state, containing a population of five thousand, shall be elected, on the joint vote of the two houses of the general assembly, one city judge, who shall hold a corporation or hustings court of said city or town as often, and as many days in each month, as may be prescribed by law, with similar jurisdiction which may be given by law to the circuit courts of this state, and who shall hold his office for a term of six years: provided, that in cities or towns containing thirty thousand inhabitants, there may be elected an additional judge to hold courts of probate and record, separate and apart from the corporation or hustings courts, and perform such other duties as shall be prescribed by law.

Sec. 15. Also the following enumerated officers, who shall be elected by the qualified voters of the said cities or towns: one clerk of the corporation or hustings court, who shall also be the clerk of the circuit court, except in cities or towns containing a population of thirty thousand or more; in which city or town there may be a separate clerk for the circuit court, who shall hold his office for a term of six years.

Sec. 16. One commonwealth's attorney, who shall be the commonwealth's attorney for the circuit court, and shall hold his office for a term of two years.

Sec. 17. One city sergeant, who shall hold his office for a term of two years.

Sec. 18. One city or town treasurer, whose duties shall be similar to those of county treasurer, and shall hold his office for a term of three years.

Sec. 19. One commissioner of the revenue.

Sec. 20. There shall be chosen by the electors of every city, a mayor, who shall be the chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined, shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. All city, town, and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof as the general assembly shall designate. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may be hereafter created by law, shall be elected by the people, or appointed, as the general assembly may direct. Members of common councils shall hold no other office in cities, and no city officer shall hold a seat in the general assembly. The general assembly, at its first session after the adoption of this constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. General laws shall be passed for the organization and government of cities, and no special act shall be passed, except in cases where, in the judgment of the general assembly, the object of such act cannot be attained by general laws. Nothing in this article shall affect the power of the general assembly over quarantine, or in regard to the port of Norfolk, or the interest of the state in the lands under water and within the jurisdiction or boundaries of any city, or to regulate the wharves, piers, or slips in any city. All laws or city ordinances in conflict with the provisions of the preceding sections, shall be void from and after the adoption of this constitution.

Sec. 21. All regular elections for city or town officers, under this article, shall be held on the fourth Thursday in May, and the officers elect shall enter upon their duties on the first day of July succeeding.

GENERAL PROVISIONS.

Sec. 22. All the judges shall be commissioned by the governor, and shall receive such salaries and allowances as may be determined by law, the amount of which shall not be diminished during their term of office. Their terms of office shall commence on the first day of January next following their appointment; and they shall discharge the duties of their respective offices from their first appointment and qualification under this constitution until their terms begin.

Sec. 23. Judges may be removed from office by a concurrent vote of both houses of the general assembly, but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the Journal of each house. The judge, against whom the general assembly may be about to proceed, shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereon.

Sec. 24. Judges of the supreme court of appeals and judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

Sec. 25. Judges, and all other officers elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired, until their successors have qualified.

Sec. 26. Writs shall run "in the name of the commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the commonwealth."

ARTICLE VII.

COUNTY ORGANIZATIONS.

Sec. 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer; and one superintendent of the poor. And there shall be appointed in the manner provided for in article VIII, one superintendent of schools: provided, that counties containing less than eight thousand inhabitants may be

attached to adjoining counties for the formation of districts for superintendents of schools: provided also, that in counties containing thirty thousand inhabitants there may be appointed an additional superintendent of schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November, and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years, except that the county and circuit court clerks shall hold their offices for four years.

TOWNSHIPS.

Sec. 2. Each county of the state shall be divided into so many compactly located townships as may be deemed necessary, not less than three: provided, that after three have been formed, no additional township shall be made containing less than thirty square miles. Each township shall be known as the township of —, in the county of —, and may sue and be sued by such title. In each township there shall be elected annually one supervisor; one township clerk; one assessor; one collector; one commissioner of roads; one overseer of the poor; one justice of the peace, who shall hold his office three years; one constable, who shall hold his office three years: provided, that at the first election held under this provision there shall be three justices of the peace and three constables elected, whose terms shall be one, two, and three years respectively. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of each township shall constitute the board of supervisors for that county, and shall assemble at the courthouse thereof on the first Monday in December in each year, and proceed to audit the accounts of said county, examine the books of the assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law.

SCHOOL DISTRICTS.

Sec. 3. Each township shall be divided into so many compactly located school districts as may be deemed necessary: provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years: provided, that at the first election held under this provision, there shall be three trustees elected, whose terms shall be one, two, and three years respectively.

ROAD DISTRICTS.

Sec. 4. Each township shall be divided into one or more road districts. In each road district there shall be elected annually one overseer of roads, under whose direction the roads shall be kept in repair, at the public expense, in a mode prescribed by law.

Sec. 5. The general assembly, at its first session after the adoption of this constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. But nothing in this article shall be construed as prohibiting the general assembly from providing by law for any additional officers in any city or county.

Sec. 6. Sheriffs shall hold no other office. They may be required by law to renew their security, and in default of so doing, their offices shall be declared vacant. Counties shall never be made responsible for the acts of the sheriffs.

ARTICLE VIII.

EDUCATION.

Sec. 1. The general assembly shall elect, in joint ballot, within thirty days after its organization under this constitution, and every fourth year thereafter, a superintendent of public instruction. He shall have the general supervision of the public free school interests of the state, and shall report to the general assembly for its consideration, within thirty days after his election, a plan for a uniform system of public free schools.

Sec. 2. There shall be a board of education, composed of the governor, superintendent of public instruction, and attorney-general, which shall appoint and have power to remove, for cause and upon notice to the incumbents, subject to confirmation by the

senate, all county superintendents of public free schools. This board shall have, regulated by law, the management and investment of all school funds, and such supervision of schools of higher grades as the law shall provide.

SEC. 8. The general assembly shall provide by law, at its first session under this constitution, a uniform system of public free schools, and for its gradual, equal, and full introduction into all the counties of the state by the year eighteen hundred and seventy-six, or as much earlier as practicable.

SEC. 4. The general assembly shall have power, after a full introduction of the public free school system, to make such laws as shall not permit parents and guardians to allow their children to grow up in ignorance and vagrancy.

SEC. 5. The general assembly shall establish, as soon as practicable, normal schools, and may establish agricultural schools and such grades of schools as shall be for the public good.

SEC. 6. The board of education shall provide for uniformity of text-books, and the furnishing of school-houses with such apparatus and library as may be necessary, under such regulations as may be provided by law.

SEC. 7. The general assembly shall set apart, as a permanent and perpetual literary fund, the present literary funds of the state, the proceeds of all public lands donated by congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the state by forfeitures, and all fines collected for offences committed against the state, and such other sums as the general assembly may appropriate.

SEC. 8. The general assembly shall apply the annual interest on the literary fund, the capitation tax provided for by this constitution for public free school purposes, and an annual tax upon the property of the state of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the state, the number of children between the ages of five and twenty-one years, in each public free school district, being the basis of such division. Provision shall be made to supply children attending the public free schools with necessary text-books, in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums, by a tax on property, for the support of public free schools. All unexpended sums of any one year in any public free school district shall go into the general school fund for re-division the next year: provided, that any tax authorized by this section to be raised by counties or school districts, shall not exceed five mills on a dollar in any one year, and shall not be subject to re-division, as hereinbefore provided in this section.

SEC. 9. The general assembly shall have power to foster all higher grades of schools under its supervision, and to provide for such purpose a permanent educational fund.

SEC. 10. All grants and donations received by the general assembly for educational purposes shall be applied according to the terms prescribed by the donors.

SEC. 11. Each city and county shall be held accountable for the destruction of school property that may take place within its limits by incendiaries or open violence.

SEC. 12. The general assembly shall fix the salaries and prescribe the duties of all school officers, and shall make all needful laws and regulations to carry into effect the public free school system provided for by this article.

ARTICLE IX.

MILITIA.

SEC. 1. The militia of this state shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as hereafter may be exempted by the laws of the United States or of this state; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service; and the militia shall be organized, armed and equipped, and trained as the general assembly may provide by law.

SEC. 2. The legislature shall provide by law for the encouragement of volunteer corps of the several arms of the service, which shall be classed as the active militia; and all other militia shall be classified as the reserve militia, and shall not be required to muster in time of peace.

ARTICLE X.

TAXATION AND FINANCE.

SEC. 1. Taxation, except as hereinafter provided, whether imposed by the state, county, or corporate bodies, shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as prescribed by law. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value.

SEC. 2. No tax shall be imposed on any of the citizens of this state for the privilege of taking or catching oysters from their natural beds with tongs, in the waters thereof; but the amount of sales of oysters so taken by any citizen, in any one year, may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property.

SEC. 3. The legislature may exempt all property used exclusively for state, county, municipal, benevolent, charitable, educational, and religious purposes.

SEC. 4. The general assembly may levy a tax on incomes in excess of six hundred dollars per annum, and upon the following licenses, viz: the sale of ardent spirits, theatrical and circus companies, menageries, jugglers, itinerant peddlers, and all other shows and exhibitions for which an entrance fee is required, commission merchants, persons selling by sample, brokers and pawn-brokers, and all other business which cannot be reached by the *ad valorem* system. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

SEC. 5. The general assembly may levy a tax, not exceeding one dollar per annum, on every male citizen who has attained the age of twenty-one years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax not exceeding fifty cents per annum for all purposes.

SEC. 6. The general assembly shall provide for a re-assessment of the real estate of this state in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter: provided, in making such assessment no land shall be assessed above or below its value.

SEC. 7. No debt shall be contracted by this state except to meet casual deficits in the revenue, to redeem a previous liability of the state, to suppress insurrection, repel invasion, or defend the state in time of war.

SEC. 8. The general assembly shall provide by law a sinking fund, to be applied solely to the payment and extinguishment of the principal of the state debt, which sinking fund shall be continued until the extinguishment of such state debt; and every law hereafter enacted by the general assembly, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

SEC. 9. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law at the time said debt was contracted, nor shall any discrimination hereafter be made in paying the interest on state bonds, which shall give a higher actual value to bonds held in foreign countries, over the same class of bonds held in this country.

SEC. 10. No money shall be paid out of the state treasury except in pursuance of appropriations made by law; and no appropriation shall ever be made for the payment of any debt or obligation created in the name of the state of Virginia, by the usurped and pretended state authorities assembled at Richmond during the late war; and no county, city, or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the state, or against the United States.

SEC. 11. On the passage of every act which imposes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the state, the vote shall be determined by ayes and noes, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of a law.

SEC. 12. The credit of the state shall not be granted to, or in aid of, any person, association, or corporation.

SEC. 13. No scrip, certificate, or other evidence of state indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

SEC. 14. The state shall not subscribe to, or become interested in, the stock of any company, association, or corporation.

Sec. 15. The state shall not be a party to, or become interested in, any work of internal improvement, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the state of land or other property.

Sec. 16. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied, and it shall not be sufficient to refer to any other law, to fix such tax or object.

Sec. 17. The state shall not assume any indebtedness of the county, borough, nor city, nor lend its credit to the same.

Sec. 18. A full account of the state indebtedness, and an accurate statement of receipts and expenditures of the public money, shall be attached to and published with its laws passed at every regular session of the general assembly.

Sec. 19. The general assembly shall provide by law for adjusting with the state of West Virginia the proportion of the public debt of Virginia, proper to be borne by the state of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the state.

Sec. 20. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government, or to pay the existing indebtedness of the state.

Sec. 21. The liability to the state of any incorporated company or institution to redeem the principal and pay the interest of any loan heretofore made by the state to such company or institution, shall not be released or commuted.

USURY.

Upon debts hereafter contracted it shall be lawful to receive any rate of interest, not exceeding twelve per centum per annum, which may be agreed upon by the parties and be specified in the bond, note, or other writing evidencing the debt. When there is no such agreement, the rate of interest shall be six per centum per annum for the use and forbearance of every hundred dollars.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

HOMESTEAD AND OTHER EXEMPTIONS.

Sec. 1. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnisheeing, or sale under any execution, order, or other process, issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

1st. For the purchase price of said property, or any part thereof.

2d. For services rendered by a laboring person or a mechanic.

3d. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney at law, for money collected.

4th. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six.

5th. For rent hereafter accruing.

6th. For the legal or taxable fees of any public officer, or officers of a court, hereafter accruing.

Sec. 2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered or docketed, on and after the seventeenth day of April, eighteen hundred and sixty-one, and before the second day of March, eighteen hundred and sixty-seven, for any debt contracted previous to the fourth day of April, eighteen hundred and sixty-five, except debts of the character mentioned in either of the above first three exceptions.

Sec. 3. Nothing contained in this article shall be construed to interfere with the sale of the property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge, or other security thereon.

Sec. 4. The general assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as stay laws; but this section shall not be construed as prohibiting any legislation which the general assembly may deem necessary to fully carry out the provisions of this article.

SEC. 5. The general assembly shall, at its first session under this constitution, prescribe in what manner and on what conditions the said householder or head of a family shall thereafter set apart and hold for himself and family, a homestead out of any property hereby exempted, and may, in its discretion, determine in what manner and on what conditions he may thereafter hold, for the benefit of himself and family, such personal property as he may have, and coming within the exemption hereby made. But this section shall not be construed as authorizing the general assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 6. An act of the general assembly, entitled an act to exempt the homesteads of families from forced sales, passed April twenty-ninth, eighteen hundred and sixty-seven, and an act entitled an act to stay the collection of debts for a limited period, passed March second, eighteen hundred and sixty-six, and the acts amendatory thereof, are hereby abrogated.

SEC. 7. The provisions of this article shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

CHURCH PROPERTY.

The rights of ecclesiastical bodies in and to church property conveyed to them by regular deed of conveyance, shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor by any act of the legislature purporting to govern the same, but all such property shall pass to and be held by the parties set forth in the original deeds of conveyance, or the legal assignees of such original parties holding through or by conveyance, and any act or acts of the legislature in opposition thereto shall be null and void.

HEIRSHIP OF PROPERTY.

The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized or possessed, as though they had been born in lawful wedlock.

ARTICLE XII.

FUTURE CHANGES IN THE CONSTITUTION.

Any amendment or amendments to the constitution may be proposed in the senate and house of delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the general assembly to be chosen at the next general election of senators and members of the house of delegates, and shall be published for three months previous to the time of making such choice. And if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the general assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly voting thereon, such amendment or amendments shall become part of the constitution.

At the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the general assembly may by law provide, the question, "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified voting at such election shall decide in favor of a convention for such purpose, the general assembly at its next session shall provide by law for the election of delegates to such convention: provided, that no amendment or revision shall be made which shall deny or in any way impair the right of suffrage or any civil or political right as conferred by this constitution, except for causes which apply to all persons and classes without distinction.

JOHN C. UNDERWOOD, *President.*
GEORGE RYE, *Secretary.*

Attest:

J. H. PAINTER, *Assistant Secretary.*

SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that—

SEC. 1. The common law and the statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both in law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department of this constitution.

SEC. 3. That all fines, penalties, forfeitures, and escheats accruing to the state of Virginia under the present constitution and laws, shall accrue to the use of the state under this constitution.

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the state of Virginia to any state, county, or township, or any public officer or public body, or which may be entered into or executed, under existing laws "to the people of the state of Virginia," to any such officer or public body, before the complete organization of the department of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. All crimes and misdemeanors and penal actions shall be tried, punished, and prosecuted, as though no change had taken place, until otherwise provided by law.

CONGRESSIONAL APPORTIONMENT.

Be it ordained by the people of Virginia, in convention assembled, that the following named counties shall compose the respective congressional districts:

The counties of Accomack, Northampton, Northumberland, Richmond, Westmoreland, Essex, Lancaster, Middlesex, King and Queen, King William, Gloucester, Mathews, York, James City, city of Williamsburg, Elizabeth City, Warwick, King George, and Caroline, with a population of one hundred and fifty-one thousand two hundred and ninety-five, shall form the first congressional district.

The counties of Princess Anne, Norfolk city, Norfolk county, city of Portsmouth, Nansemond, Southampton, Greenville, Sussex, Surry, Dinwiddie, city of Petersburg, Prince George, Isle of Wight, and Nottoway, with a population of one hundred and fifty thousand five hundred and eighty-four, shall form the second congressional district.

The counties of Charles City, Henrico, city of Richmond, Hanover, Chesterfield, Goochland, Powhatan, Amelia, Cumberland, and New Kent, with a population of one hundred and forty-nine thousand and twenty-one, shall form the third congressional district.

The counties of Brunswick, Mecklenburg, Lunenburg, Charlotte, Halifax, Pittsylvania, Franklin, Patrick, and Henry, with a population of one hundred and sixty thousand seven hundred and thirty, shall form the fourth congressional district.

The counties of Greene, Albemarle, Fluvanna, Nelson, Buckingham, Amherst, Appomattox, Bedford, Campbell, Prince Edward, and the city of Lynchburg, with a population of one hundred and fifty-five thousand four hundred and ninety, shall form the fifth congressional district.

The counties of Frederick, city of Winchester, Clarke, Warren, Page, Shenandoah, Rockingham, Augusta, town of Staunton, Highland, Bath, Botetourt, Alleghany, and Rockbridge, with a population of one hundred and forty six thousand eight hundred and twenty four, shall form the sixth congressional district.

The counties of Alexandria, Fairfax, Prince William, Fauquier, Stafford, Rappahannock, Culpeper, Spotsylvania, town of Fredericksburg, Orange, Louisa, Loudoun, and Madison, with a population of one hundred and fifty-eight thousand two hundred and ninety-five, shall form the seventh congressional district.

The counties of Montgomery, Giles, Pulaski, Wythe, Bland, Tazewell, Smyth, Washington, Russell, Scott, Lee, Wise, Buchanan, Grayson, Carroll, Floyd, Craig, and Roanoke, with a population of one hundred and forty-seven thousand six hundred and seventy-nine, shall form the eighth congressional district.

And there shall be one member of congress elected by the state at large.

This ordinance shall be in force from its passage, and may be altered or repealed by the legislature.

Signed by resolution of the convention this seventeenth day of April, in the year of our Lord eighteen hundred and sixty-eight.

JOHN C. UNDERWOOD, *President.*
GEORGE RYE, *Secretary.*

Attest:

J. H. PAINTER, *Assistant Secretary.*

LIST

OF THE

NAMES AND NUMBERS OF THE TOWNSHIPS IN THE SEPARATE COUNTIES
OF VIRGINIA, AS REPORTED TO THIS DATE.

Accomaok.—1, The Islands; 2, The Atlantic; 3, Metunpkin; 4, Lee; 5, Pongoteague.

Albemarle.—1, Rivanna; 2, Whitehall; 3, Scottsville; 4, Samuel Miller; 5, Charlottesville.

Alexandria.—1, Jefferson; 2, Arlington; 3, Washington.

Alleghany.—1, Covington; 2, Boiling Spring; 3, Cipton.

Amelia.—1, Leigh; 2, Giles; 3, Jackson.

Amherst.—1, Elon; 2, Courthouse; 3, Temperance; 4, Pedlar.

Appomattox.—1, Southside; 2, Stonewall; 3, Clover Hill.

Augusta.—1, Beverly Manor; 2, North River; 3, Middle River; 4, South River; 5, Riverhead; 6, Pastures.

Bath.—1, Warm Spring; 2, Cedar Creek; 3, Williamsville; 4, Millborough.

Bedford.—1, Chamblissburg; 2, Staunton; 3, Otter; 4, Forest; 5, Charlemont; 6, Lisbon; 7, Liberty.

Bland.—1, Mechannsburg; 2, Seddon; 3, Sharon.

Botetourt.—1, Amsterdam; 2, Fincastle; 3, Buchanan.

Brunswick.—1, Meherrin; 2, Totaro; 3, Red Oak.

Buchanan.—1, Grundy; 2, Garden; 3, Sand Lick.

Buckingham.—1, Maysville; 2, James River; 3, Slate River; 4, Marshall; 5, Curdsville; 6, Francisco.

Campbell.—1, Rustburg; 2, Brookville; 3, Otter River; 4, Seneca; 5, Falling River.

Caroline.—1, Bowling Green; 2, Port Royal; 3, Madison; 4, Reedy Church.

Carroll.—1, Pine Creek; 2, Laurel Fork; 3, Fancy Gap; 4, Piper Gap; 5, Sulphur Springs.

Charles City.—1, Harrison; 2, Tyler; 3, Chickahominy.

Charlotte.—1, Bacon; 2, Walton; 3, Madison; 4, Roanoke.

Chesterfield.—1, Bermuda; 2, Chester; 3, Matoaca; 4, Clover Hill; 5, Midlothian; 6, Manchester; 7, Dale.

Clarke.—1, Greenway; 2, Chapel; 3, Battletown.

Craig.—1, New Castle; 2, Alleghany; 3, Summons ville.

Culpeper.—1, Jefferson; 2, Salem; 3, Cedar Mountain; 4, Stevensburg, 5, Catalpa.

Cumberland.—1, Hamilton; 2, Madison; 3, Randolph.

Dinwiddie.—1, Rowanty; 2, Sapony; 3, Darvills; 4, Namezine.

Elizabeth City.—1, Chesapeake; 2, Wythe; 3, South Field.

Essex.—1, Rappahannock; 2, Central; 3, Occupacia.

Fairfax.—1, Centreville; 2, Lee; 3, Mount Vernon; 4, Falls Church; 5, Providence; 6, Dranesville.

Fauquier.—1, Centre; 2, Scott; 3, Marshall; 4, Rappahannock; 5, Cedar Run.

Floyd.—1, Locust Grove; 2, Little River; 3, Jacksonville; 4, Alum Ridge; 5, Indian Valley; 6, Burk's Fork.

Fluvanna.—1, Fork Union; 2, Cunningham; 3, Columbia; 4, Palmyra.

Franklin.—1, Rocky Mount; 2, Snow Creek; 3, Union Hall; 4, Gill's Creek; 5, Bonbrook; 6, Magodee; 7, Blackwater; 8, Long Branch; 9, Brown Hill.

Frederick.—1, Stonewall; 2, Opequan; 3, Back Creek; 4, Gainsboro'.

Giles.—1, Pearisburg; 2, Walker's Creek; 3, Pembroke; 4, Newport.

Gloucester.—1, Abingdon; 2, Petsworth; 3, Ware.

Goochland.—1, Dover; 2, Licking Hole; 3, Byrd.

Grayson.—1, Old Courthouse; 2, Elk Creek; 3, Wilson Creek.

Greene.—1, Monroe; 2, Stanardsville; 3, Ruckersville.

Greeneville.—1, Beefield; 2, Hicksford; 3, Zion.

Halifax.—1, Staunton; 2, Roanoke; 3, Banister; 4, Birch Creek; 5, Mount Carmel; 6, Hyco.

Hanover.—1, Henry; 2, Clay; 3, Ashland; 4, Beaver Dam; 5, Allen's Creek.

Henrico.—1, Tuckahoe; 2, Brookland; 3, Fairfield; 4, Varina.

Henry.—1, Horse Pasture; 2, Ridgway; 3, Leatherwood; 4, Martinsville.

Highland.—1, Blue Grass; 2, Monterey; 3, Stonewall.

Isle of Wight.—1, Windsor; 2, Hardy; 3, Newport.

James City.—1, Jamestown; 2, Powhatan; 3, Stone House.

King and Queen.—1, Newtown; 2, Stevensville, 3, Buena Vista.

King George.—1, Passpatangy; 2, Shiloh; 3, Chotank.

King William.—1, Mangohick; 2, Acquinton; 3, West Point.

Lancaster.—1, White Chapel; 2, Mantua; 3, White Stone.

Lee.—1, Rose Hill; 2, White Shoals; 3, Jonesville; 4, Rocky Station; 5, Yokum Station.

Loudoun.—1, Leesburg; 2, Broad Run; 3, Mercer; 4, Mt. Gilead; 5, Jefferson; 6, Lovettsville.

Louisa.—1, Green Spring; 2, Louisa Courthouse; 3, Cuckoo; 4, Jackson.

Lunenburg.—1, Lockleven; 2, Columbian Grove; 3, Reheboth; 4, Pleasant Grove; 5, Lewiston; 6, Brown's Store.

Madison.—1, Robertson; 2, Locust Dale; 3, Rapid Anne.

Mathews.—1, Piankitank; 2, Westville; 3, Chesapeake.

Macklenburg.—1, Clarksville; 2, Palmer's Spring; 3, Boynton; 4, Blue Stone; 5, Christiansville; 6, Flat Creek; 7, South Hill.

Middlesex.—1, Jamaica; 2, Saluda; 3, Pine Top.

Montgomery.—1, Christiansburg; 2, Blacksburg; 3, Alleghany; 4, Auburn.

Nansemond.—1, Chuckatuok; 2, Sleepy Hole; 3, Cypress; 4, Holy Neck.

Nelson.—1, Lovington; 2, Rockfish; 3, Massie's Mills.

New Kent.—1, Black Creek; 2, St. Peter's; 3, Cumberland; 4, Ware Creek.

Norfolk.—1, Western Branch; 2, Deep Creek; 3, Tanner's Creek; 4, Washington; 5, Pleasant Grove; 6, Butts' Road.

Northampton.—1, Capeville; 2, Eastville; 3, Franktown.

Northumberland.—1, Lottsburg; 2, Heathsville; 3, Fairfield; 4, Wicomico.

Nottoway.—1, Haytokah; 2, Blendon; 3, Bellefonte.

Orange.—1, Barbour; 2, Madison; 3, Taylor; 4, Gordon.

Page.—1, Shenandoah Iron Works; 2, Mackeville; 3, Luray; 4, Springfield.

Patrick.—1, Mayo River; 2, Dan River; 3, Smith River.

Pittsylvania.—1, Chatham; 2, Banister; 3, Staunton; 4, Pigg River; 5, Callands; 6, Tunstall; 7, Dan River; 8, Danville.

Powhatan.—1, Macon; 2, Spencer; 3, Huguenot.

Prince Edward.—1, Buffalo; 2, Hampden; 3, Leigh; 4, Farmville.

Prince George.—1, Templeton; 2, Rives; 3, Bland; 4, Blackwater; 5, Brandon.

Prince William.—1, Gainesville; 2, Manassas; 3, Brentsville; 4, Dumfries; 5, Occoquan; 6, Coles.

- Princess Anne*.—1, Pungo; 2, Seaboard; 3, Kempsville.
- Pulaski*.—1, Dublin; 2, Newburn; 3, High Wassaie.
- Rappahannock*.—1, Wakefield; 2, Jackson; 3, Hampton; 4, Stonewall; 5, Piedmont.
- Richmond*.—1, Stonewall; 2, Marshall; 3, Washington; 4, Farnham.
- Roanoke*.—1, Catawba; 2, Salem; 3, Cave Spring; 4, Big Lick.
- Rockbridge*.—1, Lexington; 2, Natural Bridge; 3, Buffalo; 4, Keen's Creek; 5, Walker's Creek; 6, South River.
- Rockingham*.—1, Plains; 2, Linville Creek; 3, Brock's Gap; 4, Central; 5, Franklin; 6, Harrisonburg; 7, Ashby; 8, Stonewall; 9, Elk Run.
- Russell*.—1, Lebanon; 2, Elk Garden; 3, New Garden; 4, Moccasin; 5, Copper Creek; 6, Castlewoods.
- Scott*.—1, Floyd; 2, Johnson; 3, Fulkerson; 4, Estellville; 5, DeKalb; 6, Taylor; 7, Powell.
- Shenandoah*.—1, Davis; 2, Stonewall; 3, Johnston; 4, Madison; 5, Ashby; 6, Lee.
- Smyth*.—1, Rich Valley; 2, Marion; 3, St. Clair.
- Southampton*.—1, Drewrysville; 2, Boykin's; 3, Newsom's Depot; 4, Franklin; 5, Jerusalem; 6, Berlin and Ivor.
- Spotsylvania*.—1, Courtland; 2, Berkley; 3, Livingston; 4, Chancellor.
- Stafford*.—1, Falmouth; 2, Hartwood; 3, Rock Hill; 4, Aquia.
- Surry*.—1, Blackwater; 2, Guilford; 3, Cobham.
- Sussex*.—1, Courthouse; 2, Henry; 3, Stony Creek; 4, Newville; 5, Waverly; 6, Wakefield.
- Tazewell*.—1, Jeffersonville; 2, Clearfork; 3, Maiden Spring.
- Warren*.—1, South River; 2, Front Royal; 3, Cedarville.
- Warwick*.—1, Newport; 2, Denbigh; 3, Stanley.
- Washington*.—1, Saltville; 2, Glade Spring; 3, Abingdon; 4, Goodson; 5, Kinderhook; 6, North Fork.
- Westmoreland*.—1, Washington; 2, Montross; 3, Cople.
- Wise*.—1, Richmond; 2, Gladeville; 3, Robinson; 4, Walker; 5, Tipps.
- Wythe*.—1, Black Lick; 2, Fort Chiswell; 3, Speedwell.
- York*.—1, Pocoson; 2, Grafton; 3, Nelson; 4, Bruton.

SEPARATE ELECTION PRECINCTS.

Accomack. Courthouse; Onancock; Tangier Island; Pungoteague; Locust Mount; Newstown; Guilford; Mappsville; Temperanceville; New Church; Messongo; Cincoteague.

Albemarle.

Alexandria. Graves' Toll Gate, Washington turnpike road; Ball's Cross Roads; Thompson's.

Alleghany.

Amelia.

Amherst. Magruder's Shop; Courthouse; Dillard's Store; New Glasgow; Temperance; Pedlar Mills; Millner's Store; Oronoco.

Appomattox. Courthouse; Walker's Church; Tower Hill; Bethany Church; Woodlawn; Oakville; Stonewall Church.

Augusta. Folley Mills; Peaco's Mill; Hebron Church; Sandy Hollow; Bolivar; Greenville; Midway; Newport; Middlebrook; Waynesboro; Fishersville; Barterbrook; Sherando; Mount Sidney; Mount Meridian; Verona; New Hope; Red Mills; Mount Solon; Parnassus; Spring Hill; Centreville; Sangersville; Churchville; Lebanon Springs; Buffalo Gap; Craigs ville; Deerfield.

Bath. Courthouse; Hickman's School House; Cedar Creek Mills; Crawford's Mill; Millboro' Springs.

Bedford. Liberty; Peaksville; Pollard's Store; Everett's; Charlemont; Big Island; Forest Depot; Bigbie's Shop; Chamblissburg; Stewartsville; Fancy Grove; Cedar Hill; Robinson's Store; Patterson's Mill.

Botetourt. James' Store; Amsterdam; Mt. Union; Zimmerman's Shop; Fincastle; Junction Store; Dagger's Springs; Buchanan; Jackson; Flaherty's Store.

Bland. Mechanicsburg; Seddon; Sharon; Rocky Gap; Cameron's.

Brunswick.

Buchanan.

Buckingham.

Campbell. Concord; New London; Arnoldton; Brookneal; Courthouse; Mount Zion; Hat Creek; Morgan's Mill; Marysville; Castle Craig; Burton's Creek; Terry's; Paulett's; Leesville; Friend's Warehouse; Martin's Warehouse.

Caroline.

Carroll.

Clarke.

Charles City. Bradley's Store; Courthouse; Pollard & Walker's Store.

Charlotte. Aspinwall; Priddy's Store; Scott's Old Store; Smith's Old Tavern; Harvey's Store; Courthouse; Keysville; Clement's; Wylliesburg; Red Oak Grove.

Chesterfield. Goode's Store; Clover Hill R. R. Co.'s Store; Tucker's Store; Winfrey's Store; Cearsley's Store; Hancock's Store; Town Hall; Farley's Store; Haywood's Store; Bishop's Store; Courthouse; Wooldrige & Clarke's Store.

Craig. Courthouse; Paint Bank, at the house of Adam Smith, on Pitt's creek; the house of Archibald Caldwell, on Sinking creek; the house of George Sarver's, on Craig's creek; the house known as Walker's Storehouse.

Culpeper. Courthouse; Mitchell's Station; Stevensburg; Foster's Store; Jeffersonston; Rexeyville; Edorado; Brown's Store.

Cumberland. Walton's Mill; Courthouse; Brown's Church.

Danville. Masonic Hall.

Dinwiddie. Courthouse; Ream's Station; Cherry Hill; Brookland; Oaks Grove; Darville City; White Oak; Pool's Store; Sutherland's.

Elizabeth City. The Chesapeake Township; the Wythe Township; the Southfield Township.

Essex. Laretto; Loyd's; Tappahannock; Enterprise; Chapel Grove; Centre Cross.

Fauquier. Warrenton; New Baltimore; Orleans; Salem; Markham; Paris; The Plains; Rectortown; Warrenton Junction; Bristersburg; Morrisville; Bealton.

Fairfax. Centreville; Clifton; Arundles'; Bayliss'; Pulman; Accotink; Courthouse; Vienna; Langley; Spring Vale; Thornton's; Thompson's; West End; Falls Church.

Floyd.

Fluvanna. Courthouse; Hunter's Lodge; Davis' Store; Kent's Store; Haden's Store; E. A. Winn & Co.'s Store; Temperance Hall, at Fork Union.

Franklin.

Fredericksburg. Courthouse; Town Hall.

Frederick. Neffstown; Brucetown; White Hall; Russell's Mill; Lamp's Schoolhouse; Gore's Store; Gainesborough; Baker's Mill; Dolan's; Midletown; Newtown; Kernstown.

Giles.

Gloucester.

Goochland.

Grayson.

Greene. Stanardsville; McMullan's Mill; Ruckersville; Huckstep's Store.

Greeneville.

Halifax.

Hanover. Cold Harbor; Strang's Store; Courthouse; Ashland; Beaver Dam Depot; Jones' Cross Roads; the house of Dr. Richard C. Bowles.

Henrico. Carter's Store; Sweeney's; Franklin House; Chadick's Store; Brun's; Hungary Water Station; Moran's Store; Erin Shades.

Henry. Martinsville; Draper's Store; Horsepasture Store; Carter's Store; Ridgway; Moor's Mills; Leatherwood Store; Irisburg.

Highland. Courthouse; Wilson's Mill; New Hampden; Hevener's Store; Ruckman's Schoolhouse; Bethlehem; Pullin's Schoolhouse; John Wilson's, on Cow Pasture river.

Isle of Wight. Carrsville; Windsor; J. W. Duck's Store; Courthouse; Zurie; Burwell's Bay; Smithfield; Carrollton; G. F. Hall's Store.

James City.

King George. Clifton; Courthouse; Hampstead; Shiloh.

King William.

King and Queen. Newtown; Clarkston; Stevensville; Carlton's Store; Buena Vista; Little Plymouth.

Lancaster.

Lee. Margaret Ely's; Bales' Forge; Bishop's Store; Morgan's Store; Jonesville; Abraham J. Livingston's; Carne's Store; Stickleyville; Stalard's Store; Widow Jones.

Loudoun.

Louisa. Hopkin's Mills; Trevilian's Depot; Terrell's Store; Courthouse; Ball's Cross Roads; Frederick's Hall; Cuckoo; Thompson's Cross Roads; Bumpass'; Jackson; Shelton's Mills.

Lunenburg. Lochleven; Bagley's Store; Smithson's Store, at Rehoboth; Pleasant Grove; Courthouse; Knight & Oliver's Mill; Brown's Store.

Lynchburg. Henry Ward; Lynch Ward.

Madison. Criglersville; Nether's Mill; Oak Park; Rochelle; Courthouse; Wolftown; Graves' Mill.

Mathews.

Mecklenburg. Edmonson's Old Store; Smith's Cross Roads; Puryear's Shop; Clarksville; Boydton; Christiansville; Wright's Store; Gillispie's.

Middlesex. Jamaica; Saluda; Sandy Bottom.

Montgomery. Christiansburg; Guerrant's; Auburn; Central Depot; Price's Fork; Blacksburg; Crumpecker's; Big Spring; Alleghany Springs.

Nansemond.

Nelson.

New Kent. Barhamsville; Courthouse; Talleysville; Cross Roads.

Norfolk county.

Northampton. Capeville; Bayview; Eastville; Johnsontown; Franktown; Wardtown.

Northumberland. Lottsburg; Heathsville; Burgess' Store; Wicomico Church.

Nottoway.

Orange. Barboursville; Courthouse; Woolfolk's Store; Locust Grove.

Page. Price's Mill; Honeyville; Mobler's Mill; Marksville; Luray; Griffith's Mill; Springfield; Rileysville.

Patrick.

Petersburg. First Ward—Biggin's Corner, Brown's Shop; Second Ward—Courthouse; Third Ward—Centre Market-house, Virginia Engine-house; Fourth Ward—Blankenship's, No. 109, Crowder's Store; Fifth Ward—Quarles' Store; Sixth Ward—Blick's Store, Butterworth's Store.

Pittsylvania. Courthouse; Carter's Old Tavern; Riceville; Aspen Grove; Straight Stone; Chalk Levell; Hurt's Store; Berger's Store; White's; Sandy Level; Moorman's; Swansonville; Whitmell; Cascade; Toll-house of Danville Toll-bridge Company; Ringgold; Laurel Grove; Hall's Cross Roads; Pace's Warehouse; Neal's Old Warehouse; Planters Warehouse; Graves' Warehouse; Holland's Warehouse.

Portsmouth. Jefferson Ward—Courthouse; Jackson Ward—Town Hall.

Powhatan. Ballsville; Smith's Cross Roads; Courthouse; Pineville; Sublett's Tavern; Powhatan Station.

Princess Anne.

Prince Edward. Courthouse; Briery; Green Bay; Rice's; Spring Creek; Prospect; Farmville.

Prince George. Lea's Mill; Sturdivant's Shop; Sherman's Cross Roads; Grammar's; Harrison's Store.

Prince William.

Pulaski.

Rappahannock. At the house of Mrs. Elizabeth Richins, in Flint Hill; at the house of D. W. Silvey, in Amisville; at the house of John W. Ryan, in Woodville; Courthouse; at the house of Mrs. Ann Millan, in Sperryville.

Richmond city. Marshall Ward—First precinct, second precinct; Jefferson Ward—First precinct, second precinct, third precinct, fourth precinct; Madison Ward—First precinct, second precinct, third precinct, fourth precinct; Monroe Ward—First precinct, second precinct, third precinct, fourth precinct; Clay Ward—First precinct, second precinct.

Richmond.

Roanoke. Brand's Store; Courthouse; Cave Spring; Big Lick Depot; Edington's Shop.

Rockbridge. Courthouse; Hartsook's Shop; Oak Bank; Horner's Store; Lowman's Mill; Goshen; Brownsburg; Fairfield.

Rockingham.

Russell. Lebanon; E. R. Baylor's Store; Thos. S. Johnson's Storehouse; Wm. M. Lockhart's Store; house of Jacob Cook; James M. Hanson's Storehouse; house of Isaac B. Fugate; house of Francis M. Dorton; house of Wm. J. Wampler; house of John Banner; house of Elam Grizzle.

Scott.

Shenandoah. Strasburg; Lebanon Church; Courthouse; Conner's Church; Town Hall; Manoah Harman's Mill; Dry Run Schoolhouse; Edenburg; the Church above and near Columbia Furnace; Mount Jackson; Hudson's Cross Roads; New Market; Forestville.

Smyth. Courthouse; Atkin's Mill; Bradford; Mrs. E. J. Williams'; Robert S. Bonhom's; Chatham Hill; St. Clair's Bottom; Saltville; Blue Spring.

Southampton. Drewrysville; Green Plain Store; Boykin's Depot; Oak Grove; Newsom's Depot; Joyner's Store; Franklin; Jerusalem; Black Creek Church; Berlin; Ivor.

Spotsylvania.

Stafford. Courthouse; Griffis' Store; Falmouth; White Oak; Hartwood; Harwood; Stafford Store; Masters'.

Staunton. First Ward—Courthouse; Second Ward—Union Hall.

Surry. Philips' Store; Courthouse; Wall's Bridge.

Sussex. Courthouse; Henry; Stony Creek; Newville; Waverly; Wakefield.

Taxewell. Jeffersonville; Liberty Hill; Mo. of Indian; Teffany's Store; Bluestone; Lawson's Store, in Burk's garden.

Warren. Lieth's Schoolhouse; Courthouse; Cedarville; Howellsville; Leary's Schoolhouse.

Warwick.

Washington.

Westmoreland. Oak Grove; Baynesville; Montross; Warrensville; Hague; Oldham's Cross Roads.

Winchester. First Ward—Grims' Hotel; Second Ward—Friendship Engine House; Third Ward—Sarah Zane Engine House; Fourth Ward—Union Engine House.

Wise.

Wythe. Courthouse; Mount Airy Depot; Seam's Shop; Graham's Forge; Zion; Moose's Schoolhouse; Poplar Camp.

York.

COMMISSIONERS IN OTHER STATES.

Wm. M. Barlow of Philadelphia, for Pennsylvania. Appointed March 16, 1868.

Wm. V. Archer of New York city, for New York. Appointed March 16, 1868.

John M. Bolling of New York city, for New York. Appointed April 6, 1868.

Sydney T. Fontaine of Galveston, for Texas. Appointed April 9, 1868.

Wm. B. Hill of Baltimore, for Maryland. Appointed April 23, 1868.

Alexander Ostrander of New York city, for New York. Appointed April 30, 1868.

Chas. J. Bushnell of New York city, for New York. Appointed May 1, 1868.

B. R. Forman of New Orleans, for Louisiana. Appointed May 4, 1868.

Simeon W. King of Chicago, for Illinois. Appointed May 12, 1868.

Sylvester Lay of New York city, for New York. Appointed May 30, 1868.

Michael Phillips of New York city, for New York. Appointed June 11, 1868. Revoked July 22, 1868.

Henry Charles Hewells of New York city, for New York. Appointed June 26, 1868.

Samuel Jennison of Boston, for Massachusetts. Appointed July 14, 1868.

Samuel B. Huey of Philadelphia, for Pennsylvania. Appointed July 17, 1868.

Edwin T. Corey of New York city, for New York. Appointed August 1, 1868.

Henry C. Banks of New York city, for New York. Appointed August 10, 1868.

N. Procter Smith of San Francisco, for California. Appointed September 2, 1868.

Edward Goodman of Hartford, for Connecticut. Appointed September 12, 1868.

Wm. W. Latimer of Baltimore, for Maryland. Appointed September 19, 1868.

Rufus K. McHarg of New York city, for New York. Appointed October 19, 1868.

Samuel E. Crawford of Cincinnati, for Ohio. Appointed October 20, 1868.

Joseph L. Papin of St. Louis, for Missouri. Appointed October 31, 1868.

Henry P. Woodward of Memphis, for Tennessee. Appointed November 7, 1868.

Fred. N. Dodge of New York city, for New York. Appointed November 7, 1868.

Henry Wisner of Chicago, for Illinois. Appointed November 16, 1868.

Jerome Carty of Philadelphia, for Pennsylvania. Appointed November 18, 1868.

Edward Cadwalader, Sacramento city, California. Appointed November 30, 1868.

Theo. D. Rand of Philadelphia, for Pennsylvania. Appointed December 4, 1868.

John G. Eustis of New Orleans, for Louisiana. Appointed December 8, 1868.

James O'Donnell of Portland, for Maine. Appointed December 18, 1868.

Nathaniel Gill of New York city, for New York. Appointed January 4, 1869.

J. Upshur Dennis of Baltimore, for Maryland. Appointed January 7, 1869.

Wm. S. Dunn of ———, for New York. Appointed January 14, 1869.

James E. Temple of Memphis, for Tennessee. Appointed February 2, 1869.

Chas. B. F. Adams of Boston, for Massachusetts. Appointed February 13, 1869.

Franklin A. Wilcox of New York city, for New York. Appointed February 18, 1869.

D. U. Barziza of Houston, for Texas. Appointed February 22, 1869.

Frederick J. King of New York city, for New York. Appointed March 11, 1869.

Wm. H. Russell of New York city, for New York. Appointed March 12, 1869.

Wm. H. Gorringe of Toledo, for Ohio. Appointed March 15, 1869.

Samuel S. Carpenter of Cincinnati, for Ohio. Appointed March 17, 1869.

Julius Twiss of New Haven, for Connecticut. Appointed March 20, 1869. Fees not paid, and commission not delivered.

Herman L. Emmons, Jr., of Baltimore, for Maryland. Appointed April 13, 1869.

Horace Andrews of New York city, for New York. Appointed April 21, 1869.

Charles Chauncey of Philadelphia, for Pennsylvania. Appointed April 29, 1869.

Francis Miller of Washington city, for District of Columbia. Appointed June 8, 1869.

Samuel L. Taylor of Philadelphia, for Pennsylvania. Appointed June 25, 1869.

Henry Rozier Dulaney of Baltimore, for Maryland. Appointed July 6, 1869.

Frank V. Souder of San Francisco, for California. Appointed July 15, 1869.

Wm. F. Lett of New York city, for New York. Appointed July 24, 1869.

R. Dudley Frayser of Memphis, for Tennessee. Appointed August 5, 1869.

Rob't Eden Brown of Philadelphia, for Pennsylvania. Appointed August 5, 1869.

Geo. R. Jaques of New York city, for New York. Appointed August 7, 1869.

David McAdam of New York city, for New York. Appointed August 7, 1869.

James Wade of Cleveland, for Ohio. Appointed August 23, 1869.

Chas. Nettleton of New York city, for New York. Appointed September 4, 1869.

Fred. R. Anderson of New York city, for New York. Appointed September 4, 1869.

Geo. H. Morgan of Harrisburg, for Pennsylvania. Appointed September 16, 1869.

Philip A. Hoyne of Chicago, for Illinois. Appointed September 24, 1869.

James B. Bell of Boston, for Massachusetts. Appointed October 21, 1869.

John F. Callan of Washington, for District of Columbia. Appointed October 23, 1869.

John S. Gerhard of Philadelphia, for Pennsylvania. Appointed October 25, 1869.

Worthington R. Johnson of Frederick City, for Maryland. Appointed November 3, 1869.

Joseph K. Plant of Washington city, for District of Columbia. Appointed November 3, 1869.

Richard H. Marsh of District of Columbia, for District of Columbia. Qualified November 3, 1869. Date of appointment not in executive journal.

J. Spencer Smith of New York city, for New York. Appointed November 19, 1869.

Henry Phillips of Philadelphia, for Pennsylvania. Appointed November 30, 1869.

Alonzo P. Smith of New York city, for New York. Appointed December 1, 1869.

George C. Thomas of Washington city, for District of Columbia. Appointed December 29, 1869.

Arthur W. Knapp of New York city, for New York. Appointed December 30, 1869.

V. J. Tobias of Charleston, for South Carolina. Appointed January 6, 1870.

T. L. McCready of New York city, for New York. Appointed January 6, 1870.

Joseph B. Nones of New York city, for New York. Appointed January 10, 1870.

Herbert Janvien of Philadelphia, for Pennsylvania. Appointed January 14, 1870.

Sigismund Lasar of New York city, for New York. Appointed February 22, 1870.

Watson J. Hildreth of New York city, for New York. Appointed February 28, 1870.

John H. Watson of New York city, for New York. Appointed March 10, 1870.

Moses B. Maclay of New York city, for New York. Appointed March 12, 1870.

W. H. Melick of New York, for New York. Appointed March 31, 1870.

Aug. E. Cohen of South Carolina, for South Carolina. Appointed April 6, 1870.

Lamar Cobb of Georgia, for Georgia. Appointed April 20, 1870.

J. E. Carpenter of Pennsylvania, for Pennsylvania. Appointed April 23, 1870.

C. E. Morgan, Jr., of Pennsylvania, for Pennsylvania. Appointed May 2, 1870.

Kinley J. Tener of Pennsylvania, for Pennsylvania. Appointed May 2, 1870.

Samuel W. Pennybacker of Pennsylvania, for Pennsylvania. Appointed May 9, 1870.

Jos. Frankish of Pennsylvania, for Pennsylvania. Appointed May 14, 1870.

Meyer J. Merchant of New York, for New York. Appointed May 17, 1870.

W. B. Coleman of New York, for New York. Appointed May 18, 1870.

Simeon W. King of Illinois, for Illinois. Appointed May 19, 1870.

Fred. Koonos of District of Columbia, for District of Columbia. Appointed May 21, 1870.

T. O'Brian of New York, for New York. Appointed May 28, 1870.

E. Shippen of Pennsylvania, for Pennsylvania. Appointed May 31, 1870.

Alex. Ostrander of New York, for New York. Appointed May 31, 1870.

Charles J. Bushnell of New York, for New York. Appointed June 2, 1870.

Thomas Vance of New York, for New York. Appointed June 6, 1870.

Fred. B. Swift of New York, for New York. Appointed June 8, 1870.

Sylvester Lay of New York, for New York. Appointed June 9, 1870.

Malcolm Wallingford of District of Columbia, for District of Columbia. Appointed June 28, 1870.

C. D. Greene of Missouri, for Missouri. Appointed July 30, 1870.

H. C. Banks of New York, for New York. Appointed August 3, 1870.

George C. Waller of California, for California. Appointed August 11, 1870.

Luther R. Masten of Indiana, for Indiana. Appointed August 22, 1870.

Thomas Sadler of New York, for New York. Appointed August 25, 1870.

E. T. Winston of Iowa, for Iowa. Appointed September 29, 1870.

Edwin F. Corey, Jr., of New York, for New York. Appointed September 30, 1870.

John H. Comer of New York, for New York. Appointed October 31, 1870.

W. W. Latimer of Maryland, for Maryland. Appointed November 10, 1870.

George A. Martin of New York, for New York. Appointed November 10, 1870.

TABLES

Showing the Times for the Commencement of the Regular Terms of the Supreme Court of Appeals and of each Circuit, County, and Corporation Court.

SUPREME COURT OF APPEALS.

Place of Session.	When Term Commences.	Length of Term.
Richmond, - -	November first, - - -	One hundred and sixty days.*
Staunton, - -	August first, - - -	Sixty Days.*
Wytheville, - -	September first, - - -	Sixty days.*

*Unless business be sooner dispatched.

CIRCUIT, COUNTY, AND CORPORATION COURTS.

Counties and Corporations.	Circuit Courts. When terms commence.	County and Corporation Courts. Monthly terms.	County and Corporation Courts. Quarterly terms.
Accomack, -	1st May and 1st November.	Last Monday, -	March, May, Aug. Nov.
Albemarle, -	10th May and 10th October.	First Monday, -	do. June, do. do.
Alexandria, -	3d Monday in August and 2d Monday in November.	Fourth Monday, -	Feb. May, do. do.
Alexandria city, -	1st Monday in February and 3d Monday in May.		
Alleghany, -	25th March and 25th of August.	Third Monday, -	March, June, do. do.
Amelia, -	25th April and 5th November.	Fourth Wednesday, -	do. May, do. do.
Amherst, -	6th April and 22d September.	Third Monday, -	do. June, do. do.
Appomattox, -	10th March and 1st September.	Fourth Thursday, -	do. May, do. do.
Augusta, -	1st June and 1st November.	Fourth Monday, -	Fourth Monday in Feb'y, April, Aug., and Oct.
Bath, -	12th May and 12th October.	20th day of each mo.	March, May, Aug. Nov.
Bedford, -	1st May and 1st October.	Fourth Monday, -	Tuesday after fourth Monday in Feb., May, Aug., and Nov.
Berkeley, -			
Blad, -	4th Monday in April and Sept.	First Monday, -	Dec. Feb. April, July.
Botetourt, -	Wednesday after 2d Monday in April and September.	Second Monday, -	March, June, Aug. Nov.
Brunswick, -	25th March and 10th October.	Fourth Monday, -	do. do. do. do.
Buchanan, -	1st Monday after 4th Monday in May and October.		
Buckingham, -	1st March and 10th August.	Second Monday, -	do. do. do. do.
Campbell, -	3d Monday in May and Oct.	Second Monday, -	do. do. do. do.
Caroline, -	20th March and 20th Septem'r.	Second Monday, -	Feb. May, do. do.
Carroll, -	1st Monday in April and Sept.	Third Monday, -	do. do. July, Nov.
Charles City, -	31 April and 3d October.	Third Thursday, -	March, May, Aug. Nov.
Charlotte, -	25th March and 25th Septem'r.	First Monday, -	do. June, do. do.
Chesterfield, -	7th May and 15th September.	Second Monday, -	do. do. do. do.
Clarke, -	30th May and 30th October.	Second Monday, -	Second Monday in Jan'y, April, July, and Oct.
Craig, -	Tuesday after 1st Monday in April and September.	Fourth Monday, -	Feb. May, July, Oct.
Culpeper, -	1st June and 1st November.	Third Monday, -	do. do. do. do.
Cumberland, -	5th April and 10th September.	Fourth Monday, -	do. do. do. do.
Danville, -	22d March and 22d August.	Second Monday, -	Second Monday in Feb., Apl, July, and Nov.
Dinwiddle, -	18th March and 3d October.	Third Monday, -	Jan. May, Aug. Nov.

Counties and Corporations.	Circuit Courts. When terms commence.	County and Corporation Courts. Monthly terms.	County and Corporation Courts. Quarterly terms.
Richmond county	28th April and 26th October.	First Monday, -	March, May, Aug. Nov.
Roanoke, -	Thursday after 3d Monday in April and September.	Third Monday, -	do. June, do. do.
Rockbridge, -	10th April and 10 September.	Monday before first Tuesday, -	do. do. do. do.
Rockingham, -	15th April and 15th September.	Third Monday, -	Feb. May, do. do.
Russell, -	3d Monday in May and Oct.	Tuesday after first Monday, -	March, June, do. do.
Scott, -	4th Monday in April and Sept.	Tuesday after second Monday, -	do. do. do. do.
Shenandoah, -	25th March and 25th August.	Monday before second Tuesday, -	do. do. do. do.
Smyth, -	Last Monday in March and August.	Third Monday, -	do. do. Sept. Dec.
Southampton, -	2d May and 7th November.	Third Monday, -	do. do. Aug. Nov.
Spotsylvania, -	17th May and 13th November.	First Monday, -	Feb. July, Sept. Dec.
Stafford, -	16th April and 13th October.	Third Wednesday, -	March, June, Aug. Nov.
Staunton, -	-	Wednesday after first Monday, -	First Monday in January, March, July, and Sept.
Surry, -	10th May and 25th October.	Fourth Tuesday, -	March, May, Aug. Nov.
Sussex, -	20th April and 20th October.	First Thursday, -	do. do. do. Oct.
Tazewell, -	1st Monday after 4th Monday in May and September.	Wednesday after last Monday, -	Feb. do. July, do.
Warren, -	20th May and 20th October.	Third Monday, -	March, do. Sept. Nov.
Warwick, -	7th March and 7th September.	Second Monday, -	do. June, Aug. do.
Washington, -	2d Monday in April and Sept.	Fourth Monday, -	Feb. do. Sept. do.
Westmoreland, -	22d April and 20th October.	Fourth Tuesday, -	April, May, Aug. do.
Williamsburg, -	23d March and 23d September.	Fourth Monday, -	March, June, do. do.
Winchester, -	-	First Saturday, -	do. May, do. do.
Wise, -	Tuesday after 4th Monday in May and October.	Fourth Monday, -	do. June, do. do.
Wythe, -	2d Monday in May and Oct.	Second Monday, -	do. do. do. do.
York, -	12th March and 12th Sept.	Third Thursday, -	Jan. April, July, Oct.

STATE INDEBTEDNESS.

The recognized liabilities of the state, as they stood on the first day of January, 1870, may be stated as follows :

Old funded debt, - - -	32,779,262 94
New funded debt, and to be funded, - -	7,884,973 56
Interest due and unpaid on old funded debt, -	3,384,776 33
Interest due and unpaid on new funded debt, -	1,611,335 17
	<hr/>
	45,660,348 00

To this sum should be added the amount of bonds of the James river and Kanawha company assumed by the state and authorized to be converted into bonds, but not yet funded, - - -	212,430 00
	<hr/>

Total state debt January 1st, 1870,	-	<u>\$45,872,778 00</u>
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The state is also annually liable for \$5,800 *perpetually*, being six per cent. interest on \$95,000 of old James river company stock.

RECEIPTS AND DISBURSEMENTS.

Balance in the treasury October 1, 1869,	107,090 15	
Received from October 1, 1869, to 30th September, 1870, - -	1,529,853 84	
	<hr/>	1,636,943 99
Disbursed from October 1, 1869, to 30th Sept., 1870, -	-	1,504,931 10
	<hr/>	
Balance on hand October 1, 1870, - -	-	132,012 80
	<hr/>	
To the credit of the commonwealth, -	-	<u>\$132,012 80</u>

ERRATUM.

On page 429, chapter 282, section 1, and 9th line, after the word "counties," read as if a "comma" were used instead of a "period".

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